

Province of Alberta

ELECTION ACT

Revised Statutes of Alberta 2000
Chapter E-1

Current as of December 15, 2022

Office Consolidation

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Alberta King's Printer
Suite 700, Park Plaza
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Phone: 780-427-4952

E-mail: kings-printer@gov.ab.ca
Shop on-line at kings-printer.alberta.ca

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2022 cC-26.7 s67 repeals and substitutes s1(1)(kk.1)(ii).

Regulations

The following is a list of the regulations made under the *Election Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Election Act		
Election Act Forms	69/2018	81/2019, 208/2022, 241/2022

ELECTION ACT

Chapter E-1

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

- (a) “advance voting” means voting under section 98;
- (a.1) “advance voting place” means a place where one or more voting stations are provided for the purpose of advance voting;
- (b) “by-election” means an election other than a general election;
- (b.1) “campaign period” means
 - (i) repealed 2021 c24 s4(2),
 - (ii) in the case of a general election, the period commencing with the issue of a writ for the election and ending 2 months after election day,
 - (iii) repealed 2021 c24 s4(2),
 - (iii.1) in the case of an election under the *Alberta Senate Election Act* held in conjunction with a general election, the period commencing with the issue of a writ for the election and ending 2 months after election day,
 - (iii.2) in the case of an election under the *Alberta Senate Election Act* held separately on a date provided for in an order under section 5(1) of that Act, the period commencing on the date that the order under section 5(1) of that Act is passed and ending 2 months after election day, and
 - (iv) in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending 2 months after election day;
- (c) “candidate” means a person
 - (i) who is selected for endorsement as the official candidate of a registered political party for an electoral division, or
 - (ii) who, after the commencement of the campaign period, declares the person’s candidacy as an

- independent candidate at the election in an electoral division;
- (d) “chief financial officer” means a person so appointed by a candidate pursuant to the *Election Finances and Contributions Disclosure Act*;
 - (e) “clerk” means a clerk of the Court of King’s Bench;
 - (e.1) “community support centre” means a facility that provides services to people experiencing poverty or homelessness;
 - (f) “corrupt practice” means any act or omission that is a corrupt practice under this Act;
 - (f.1) “council” means “council of the band” as defined in the *Indian Act (Canada)*;
 - (g) “Court” means the Court of King’s Bench;
 - (g.1) “declaration” means a statement in writing in the form provided by the Chief Electoral Officer;
 - (g.2) “declined ballot” means a ballot referred to in section 107.1;
 - (h) “election” means an election of a person as a member of the Legislative Assembly conducted under this Act;
 - (h.1) “Election Commissioner” means the Election Commissioner appointed pursuant to the *Public Service Act*;
 - (h.2) “election day” means the day set for voting during an election;
 - (i) “election officer” means a returning officer appointed under section 9, an election clerk appointed under section 47, a person appointed under section 45.1 or any other person appointed under section 4(3)(c);
 - (j) “elector” means a person who on
 - (i) election day, in the case of an election, or
 - (ii) a date fixed by the Chief Electoral Officer, in the case of an enumeration,is a Canadian citizen, is 18 years of age or older and is ordinarily resident in Alberta;
 - (k) “electoral division” means an area in Alberta established as an electoral division under the *Electoral Divisions Act*;

- (k.1) “emergency shelter” includes short-term housing for individuals experiencing homelessness, individuals escaping domestic violence, and other similar temporary housing;
- (l) “enumeration” means an enumeration of electors under Part 2, Division 3;
- (m) “enumerator” means a person appointed under section 22;
- (n) “general election” means an election where election writs are issued for elections in all electoral divisions;
- (n.1) “Indian band” means band as defined in the *Indian Act* (Canada);
- (o) “judge” means a judge of the Court of King’s Bench;
- (p) “licensed premises” means licensed premises under the *Gaming, Liquor and Cannabis Act*;
- (q) “list of electors” means a list of persons entitled to vote at an election;
- (r) “member” means a member of the Legislative Assembly;
- (s) “mobile vote” means a vote conducted pursuant to section 120;
- (s.1) “mobile voting” means voting under section 120;
- (s.2) “mobile voting place” means a place where one or more voting stations are provided for the purpose of mobile voting;
- (t) “oath” includes an affirmation;
- (u) “official agent” means an elector so appointed by a candidate pursuant to this Act;
- (v) - (z) repealed 2021 c24 s4(2);
- (z.1) “record” means a record of information in any form and includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records;
- (aa) “register” means the register of electors established under section 13;

- (bb) “registered constituency association” means a constituency association registered under the *Election Finances and Contributions Disclosure Act*;
- (cc) “registered political party” means a political party registered under the *Election Finances and Contributions Disclosure Act*;
- (cc.1) “rejected ballot” means a ballot rejected in accordance with section 111(5.2), 118(5)(b) or 119;
- (dd) “respondent” means a candidate against whose election a petition is filed under Part 7;
- (ee) “returning officer” means a person appointed under this Act as a returning officer and includes a person acting in the returning officer’s place;
- (ff) “scrutineer” means an elector who is authorized to represent a candidate at a voting place;
- (ff.1) “settlement administrator” means settlement administrator as defined in the *Metis Settlements Act*;
- (ff.2) “settlement council” means the settlement council as defined in the *Metis Settlements Act*;
- (gg) repealed 2004 c23 s2;
- (hh) “Special Ballot” means the Special Ballot provided for by section 116;
- (hh.1) repealed 2021 c24 s4(2);
- (ii) “spoiled ballot” means a ballot that has been dealt with in accordance with section 102;
- (jj) “Standing Committee” means the Standing Committee on Legislative Offices;
- (jj.1) “Statement of Vote” means the record of the count completed under section 111 that includes the number of votes cast and the number of unused ballots, declined ballots, spoiled ballots, valid ballots and rejected ballots in the format prescribed by the Chief Electoral Officer;
- (kk) repealed 2021 c24 s4(2);
- (kk.1) “supportive living facility” means
 - (i) a lodge accommodation as defined in the *Alberta Housing Act*, or

- (ii) a facility for adults or senior citizens that provides assisted living and accommodation
but does not include a treatment centre;
 - (ll) “treatment centre” means
 - (i) a hospital or a facility under the *Mental Health Act*,
or
 - (ii) any facility not referred to in subclause (i),
providing medical treatment or care on an in-patient basis;
 - (mm) “voting” means voting at an election or plebiscite;
 - (mm.1) “voting area” means a voting area referred to in section 14(b);
 - (mm.2) “voting place” means a place where one or more voting stations are provided for the purpose of voting at an election;
 - (mm.3) “voting record” means a record containing the information described in section 17 that is used
 - (i) to allow election officers to determine who is on the list of electors,
 - (ii) to make any required updates to the personal information of electors,
 - (iii) to add electors who have taken a declaration under section 100.4 or 100.5,
 - (iv) to record which electors have voted, and
 - (v) to make any required annotations regarding the voting process;
 - (mm.4) “voting station” means a place within a voting place, advance voting place or mobile voting place where an elector casts the elector’s vote or advance vote;
 - (nn) “writ” means a writ of election issued by the Chief Electoral Officer pursuant to an order of the Lieutenant Governor in Council.
- (2)** Subject to subsections (2.1) to (2.4) and section 121, for the purposes of this Act, ordinary residence is determined in accordance with the following rules:

- (a) a person can have only one place of ordinary residence;
- (b) a person's ordinary residence is the place where the person lives and sleeps and to which, when the person is absent from it, the person intends to return;
- (c) when a person leaves Alberta with the intention of becoming ordinarily resident outside Alberta, the person's ordinary residence in Alberta ceases.

(2.1) If a person leaves his or her residence in Alberta to study at an educational institution outside Alberta, the person is, while pursuing his or her studies outside Alberta, considered to be ordinarily resident in the place where he or she was resident immediately before commencing the studies.

(2.2) If a person leaves his or her residence in Alberta to study at an educational institution elsewhere in Alberta, the person may, while pursuing his or her studies, consider one of the following as his or her place of ordinary residence:

- (a) the place where he or she was resident immediately before commencing his or her studies;
- (b) the place where he or she is residing in Alberta.

(2.3) If a person leaves his or her residence in a province or territory other than Alberta to study at an educational institution in Alberta, the person is, while pursuing his or her studies in Alberta, considered to be ordinarily resident in the place where the person is residing in Alberta.

(2.4) Subsections (2.1), (2.2) and (2.3) apply to the spouse, adult interdependent partner or dependant of a person described in those subsections.

(3) The ordinary residence of an inmate who is an elector is the first of the following places for which the inmate knows the address:

- (a) his or her residence before being incarcerated;
- (b) the residence of his or her spouse or adult interdependent partner, a relative or a dependant of the inmate, a relative of his or her spouse or adult interdependent partner or a person with whom the inmate would live but for his or her incarceration;
- (c) the place of his or her arrest;
- (d) the last court where the inmate was convicted and sentenced.

(4) For the purpose of this section and sections 56(c.2) and 116(1)(c), “inmate” means a person who has been convicted of an offence and is serving his or her sentence in a correctional institution under the *Corrections Act*, in a penitentiary under the *Corrections and Conditional Release Act* (Canada), in a place of custody under the *Youth Justice Act* or the *Youth Criminal Justice Act* (Canada) or in any other similar institution outside Alberta, excluding a person sentenced to a term of imprisonment of 10 days or less or for the non-payment of fines.

(5) Where this Act requires a document or record to be filed, established, maintained, returned, transmitted, produced, submitted or served, the Chief Electoral Officer may specify whether that document or record must be in printed form or in electronic form, or both.

(6) When this Act requires that a document be filed with, returned, transmitted or submitted to, produced for or served on the Chief Electoral Officer or a returning officer, this obligation is met when the document is actually received by the Chief Electoral Officer or the returning officer, as the case may be.

RSA 2000 cE-1 s1;2004 c23 s2;2010 c8 s2;2012 c5 s2;
2016 c29 s52;2017 c21 s29;2017 c29 s2;2019 cA-33.5 s50;
2019 c15 s13;2021 c24 s4(2);AR 217/2022

Part 1 Appointments

Chief Electoral Officer

2(1) There shall be appointed pursuant to this Act a Chief Electoral Officer.

(2) The Chief Electoral Officer is an officer of the Legislature.

RSA 1980 cE-2 s2

Appointment of Chief Electoral Officer

3(1) Subject to subsection (2), the Lieutenant Governor in Council shall appoint the Chief Electoral Officer on the recommendation of the Assembly.

(2) If a vacancy occurs while the Legislature is not in session, the Lieutenant Governor in Council, on the recommendation of the Standing Committee, may appoint a Chief Electoral Officer to fill the vacancy, and unless that office sooner becomes vacant, the person so appointed holds office until a Chief Electoral Officer is appointed under subsection (1), but if an appointment under subsection (1) is not made within 30 days after the commencement of the next session, the appointment under this subsection lapses and there is deemed to be another vacancy in the office of Chief Electoral Officer.

(3) The appointment of the Chief Electoral Officer expires 12 months after election day for the 2nd general election held after the Chief Electoral Officer was appointed unless the Chief Electoral Officer is reappointed by the Lieutenant Governor in Council prior to that date on the recommendation of the Standing Committee.

(3.1) Despite subsection (3), the appointment of the Chief Electoral Officer appointed prior to the coming into force of section 4(3) of the *Election Statutes Amendment Act, 2021 (No. 2)* expires 12 months after election day for the next general election after the coming into force of that subsection unless the Chief Electoral Officer is reappointed by the Lieutenant Governor in Council prior to that date on the recommendation of the Standing Committee.

(4) The Lieutenant Governor in Council, on an address of the Assembly, may suspend or remove the Chief Electoral Officer from office for cause or incapacity.

(5) If the Legislature is not then sitting, the Lieutenant Governor in Council may suspend the Chief Electoral Officer from office for cause or incapacity proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next sitting of the Legislature.

(6) The Chief Electoral Officer may resign that office by filing a written notice with the Speaker of the Assembly or, if there is no Speaker or the Speaker is absent from Alberta, with the Clerk of the Assembly.

(7) During the time that there is a vacancy in the office of Chief Electoral Officer, the Deputy Chief Electoral Officer shall perform all the duties and exercise all the powers of the Chief Electoral Officer.

RSA 2000 cE-2 s3;2017 c29 s3;2021 c24 s4(3)

Oath of office

3.1(1) Before beginning the duties of office, the Chief Electoral Officer shall take an oath to perform the duties of the office faithfully and impartially and, except as provided in this Act, the *Alberta Senate Election Act*, the *Citizen Initiative Act*, the *Recall Act* or the *Election Finances and Contributions Disclosure Act*, not to disclose any information received by the Office of the Chief Electoral Officer under this or any other Act.

(2) The oath referred to in subsection (1) shall be administered by the Speaker of the Legislative Assembly or the Clerk of the Assembly.

2004 c23 s3;2010 c8 s3;2017 c29 s4;2019 cA-33.5 s50
2021 c24 s4(4)

Duties and powers of Chief Electoral Officer**4(1)** The Chief Electoral Officer shall

- (a) provide guidance, direction and supervision respecting the conduct of all elections, enumerations and plebiscites under this Act, elections under the *Alberta Senate Election Act* and plebiscites and referendums under any other Act to which this Act applies;
- (b) enforce fairness and impartiality on the part of all election officers in the conduct of their duties and compliance with this Act, the *Alberta Senate Election Act* and any other Act to which this Act applies;
- (c) issue to election officers any guidance, direction and information the Chief Electoral Officer considers necessary to ensure the effective carrying out of their duties under this Act, the *Alberta Senate Election Act* and any other Act to which this Act applies;
- (d) perform all duties assigned to the Chief Electoral Officer by this or any other Act.

(1.1) Repealed 2017 c29 s5.**(2)** The Chief Electoral Officer shall from time to time

- (a) provide the public with information about the election process, the democratic right to vote, the right to be a candidate and, generally, about the operation of this Act, the *Election Finances and Contributions Disclosure Act* and any other Act to which this Act applies,
- (b) implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights, and
- (c) prepare educational materials for students who have reached voting age or will soon do so and make them available to a board of a school division or a person responsible for the operation of a private school or the operator of a charter school for distribution to their students, including information on how to request access to information in the register about themselves and how to have their personal information removed or not included in the register.

(2.01) For the purposes of subsection (2)(c), “charter school”, “private school” and “board” mean “charter school”, “private school” and “board” as defined in the *Education Act*.

(2.1) The Chief Electoral Officer may from time to time meet with representatives of the registered political parties that are represented in the Legislative Assembly concerning the election process or activities under this Act, the *Election Finances and Contributions Disclosure Act* or the *Alberta Senate Election Act*.

(2.2) Subject to regulations made under section 207(1)(d), the Chief Electoral Officer may prescribe oaths for the purposes of this Act.

(3) The Chief Electoral Officer may, where the Chief Electoral Officer considers it necessary for the efficient conduct of an election, enumeration or plebiscite under this Act, an election under the *Alberta Senate Election Act* or a petition, plebiscite, referendum or vote under any other Act to which this Act applies,

- (a) extend the time for doing anything under this Act, except
 - (i) the time for the holding of an election, and
 - (ii) the time by which a nomination paper must be filed,
- (b) increase the number of election officers or enumerators,
- (c) appoint other persons as election officers to carry out duties authorized by the Chief Electoral Officer, for the faithful performance of which those persons are to be sworn,
- (d) increase the number of voting stations,
- (e) omit or vary a prescribed form, except the ballot, to suit the circumstances, and
- (f) generally, adapt the provisions of this Act to the circumstances.

(3.1) Notwithstanding subsection (3), if, in the Chief Electoral Officer’s opinion, an emergency, disaster, or an unusual or unforeseen circumstance requires delaying the opening of a voting place or interrupting voting at a voting place, the Chief Electoral Officer may adjourn voting at that voting place to another time on the same day at the same voting place or to the same time or another time on the same day at a different voting place if the emergency, disaster, or unusual or unforeseen circumstance

- (a) has a significant effect on the ability of the Chief Electoral Officer or a returning officer to conduct an election,

- (b) has a significant effect on the ability of electors to attend a voting place, or
- (c) puts or may put the health or safety of persons in an electoral division at risk.

(3.2) The Chief Electoral Officer shall immediately notify registered political parties, registered candidates and registered candidates' official agents in the affected electoral division about any change in voting hours or the location of a voting place made under subsection (3.1) and publish the change on the Chief Electoral Officer's website and in any other manner the Chief Electoral Officer considers necessary.

(3.3) If a different voting place is fixed under subsection (3.1), the returning officer shall cause a conspicuous sign that clearly and accurately states the location of the new voting place to be attached to the original place where the voting place was to be located.

(3.4) Voting adjourned under subsection (3.1) must, when recommenced, continue so that the total number of hours the voting place is open for the purpose of voting is the same as that required under section 88(1)(c).

(3.41) Despite subsection (3.4), in the case of advance voting, voting adjourned under subsection (3.1)

- (a) may be recommenced on another day, and
- (b) must continue, when recommenced, so that the total number of hours the advance voting place is open for the purpose of voting is the same number of hours that the advance voting place was scheduled to be open.

(3.5) If the Chief Electoral Officer is of the opinion that an adjournment is insufficient to address the circumstances set out in subsection (3.1), the Chief Electoral Officer may apply to a judge of the Court to discontinue the election in any one or more electoral divisions and commence a new election at another day and time.

(3.6) If the Court grants the application under subsection (3.5),

- (a) the election for the electoral division that is the subject of the application shall be discontinued,
- (b) a new election for the electoral division that is the subject of the application shall be commenced under section 39 as if the election were a by-election within 6 months of the date of the application, and

- (c) nominations of candidates previously filed remain valid for the new election.

(3.7) The Chief Electoral Officer shall publish a notice that the election has been discontinued under subsection (3.5) on the Chief Electoral Officer's website and in any other manner the Chief Electoral Officer considers necessary.

(3.8) This Act applies to an election under subsection (3.5) as if it were a by-election.

(3.9) If voting is adjourned under subsection (3.1) or the election is discontinued under subsection (3.5), returning officers and election officers must make all reasonable efforts to ensure that the election materials are secured and that the integrity of the election is not compromised.

(4) The Chief Electoral Officer may remove any election officer from office for cause, incapacity or misconduct or for failing to perform his or her work satisfactorily and may order that election officer to deliver all materials in the election officer's possession relating to that office to a designated person.

(5) The Chief Electoral Officer shall, immediately after each enumeration, general election, election under the *Alberta Senate Election Act*, by-election or plebiscite or a petition, plebiscite, referendum or vote under any other Act, prepare and have printed a report including

- (a) a summary of the Chief Electoral Officer's conduct respecting the enumeration, general election, election under the *Alberta Senate Election Act*, by-election, petition, plebiscite, referendum or vote, as the case may be,
- (b) a breakdown of results and a summary of costs, and
- (c) any recommendations for amendments to this Act or the *Alberta Senate Election Act*, as the case may be.

(6) The Chief Electoral Officer shall transmit the report prepared under subsection (5) to the Standing Committee, which shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after the commencement of the next sitting of the Assembly.

(7) The Chief Electoral Officer shall after the end of each year prepare a report on the exercise of the Chief Electoral Officer's and the Election Commissioner's functions under this Act, including any recommendations for amendments to this Act, and shall transmit the report to the Standing Committee on Legislative

Offices, which shall, on its receipt, lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.

(8) A report made under subsection (7) may be combined with a report made under section 4(2) of the *Election Finances and Contributions Disclosure Act*.

RSA 2000 cE-1 s4;2004 c23 s4;2010 c8 s4;2012 cE-0.3 s266;
2012 c5 s3;2017 c29 s5;2019 cA-33.5 s50;2019 c15 s13;
2021 c24 s4(5)

Test of new equipment and procedures

4.1(1) Where the Chief Electoral Officer wishes to test at a by-election the use of election procedures and equipment that are different from what this Act requires, the Chief Electoral Officer shall submit a written proposal to the Standing Committee describing in detail the election procedures and equipment proposed to be tested.

(2) If the Standing Committee approves the proposal, with or without changes, the Chief Electoral Officer may test the use of the election procedures and equipment in accordance with the approved proposal.

(3) As soon as possible after the proposal is approved, the Chief Electoral Officer shall publish the approved proposal on the Chief Electoral Officer's website.

(4) A by-election held in accordance with the details provided in the approved proposal is not invalid by reason of any non-compliance with this Act.

(5) To the extent of any conflict between the approved proposal and this Act or a regulation under this Act, the approved proposal prevails and has the force of law with respect to the by-election.

2010 c8 s4

Directives issued by the Chief Electoral Officer

4.11(1) If the Chief Electoral Officer determines that equipment referred to in section 4.12 will be used in an election, the Chief Electoral Officer shall, no later than 7 days after a writ of election is issued,

(a) make a directive

(i) describing in detail the procedures and equipment to be used at that election,

- (ii) describing in detail how the Act will be modified in order to enable the use of the equipment at that election, and
 - (iii) referring to the provisions of this Act that will not be complied with and specifying the nature and extent of non-compliance in each case,
- (b) provide copies of the directive to the leader of each registered political party, to any member of the Legislative Assembly who is not a member of a registered political party and to any independent candidate, and
- (c) publish the directive on the Chief Electoral Officer's website.
- (2)** The Chief Electoral Officer, with respect to voting at an advance voting place,
- (a) may make a directive
 - (i) describing the procedures to be used for voting at the advance voting place, including
 - (A) providing for the form and printing of ballots for use at the advance voting place,
 - (B) providing for the delivery of votes to the location where they are to be counted, and
 - (C) providing for the counting of votes,
 - (ii) describing in detail how the Act will be modified for the purposes of this subsection, and
 - (iii) referring to the provisions of this Act that will not be complied with and specifying the nature and extent of non-compliance in each case,
- and
- (b) if a directive is made, shall
- (i) provide copies of the directive to the leader of each registered political party, to any member of the Legislative Assembly who is not a member of a registered political party and to any independent candidate, and
 - (ii) publish the directive on the Chief Electoral Officer's website.

(3) The Chief Electoral Officer's directive under subsection (1) may apply to any one or more of the following:

- (a) one or more electoral divisions;
- (b) voting at an advance voting place;
- (c) voting at a mobile voting place;
- (d) repealed 2021 c24 s4(6);
- (e) voting by Special Ballot or Secured Special Ballot;
- (f) voting on election day.

(4) An election held in accordance with a directive made under this section is not invalid by reason of any non-compliance with this Act where the non-compliance is related to the procedures and equipment set out in the directive.

(5) To the extent of any conflict between this Act and a directive made under this section, the directive prevails.

(6) The Chief Electoral Officer shall include a summary of the use at an election of any equipment authorized by a directive issued under this section in the Chief Electoral Officer's report under section 4(5).

(7) For the purpose of section 4.12(2)(c), testing includes, without limitation, logic and accuracy testing.

2017 c29 s6;2021 c24 s4(6)

Accessible voting equipment

4.12(1) The Chief Electoral Officer may issue a directive in accordance with section 4.11 authorizing the use of accessible voting equipment during an election.

(2) The following restrictions apply with respect to the use of accessible voting equipment:

- (a) the equipment must allow the elector to vote privately and independently;
- (b) the equipment must not be part of or connected to an electronic network, except that the equipment may be securely connected to a network after the close of voting for the purpose of transmitting information to the Chief Electoral Officer;
- (c) the equipment must be tested,

- (i) before the first elector uses the equipment to vote, and
- (ii) after the last elector uses the equipment to vote;
- (d) the information presented on a ballot made available to the elector through the equipment before voting must comply with section 83, with necessary modifications;
- (e) the equipment must create a paper ballot that records the vote cast, is retained in the same way as ordinary ballots and includes the name of the electoral division;
- (f) the equipment must, before the paper ballot is printed, allow the elector to verify the elector's vote without the assistance of another person;
- (g) the equipment or the process used must, after the paper ballot is printed but before casting the elector's vote, allow the elector to verify the elector's vote;
- (h) the equipment must not be used in a way that enables the choice of an elector to be made known to an election officer or scrutineer.

(3) Accessible voting equipment shall not be used unless an entity that the Chief Electoral Officer considers to be an established independent authority on the subject of voting equipment has certified that the equipment meets acceptable security and integrity standards.

(4) In this section, "accessible voting equipment" means voting equipment and related vote-counting equipment that enables electors requiring assistance to vote independently.

2017 c29 s6;2021 c24 s4(7)

Inquiries

4.2(1) For the purposes of carrying out an inquiry under this Act, the Chief Electoral Officer has all the powers of a commissioner under the *Public Inquiries Act* as though the inquiry were an inquiry under that Act.

(2) For the purpose of carrying out an inquiry under this Act, a representative of the Chief Electoral Officer, on production of the representative's authorization from the Chief Electoral Officer, may at any reasonable time enter any premises referred to in the authorization in which records of a political party, constituency association or candidate relevant to the subject-matter of the inquiry are kept and may examine and make copies of the records or remove them temporarily for the purpose of making copies.

(2.1) Before entering a private dwelling or a part of premises used as a private dwelling to carry out the powers described in subsection (2), a representative of the Chief Electoral Officer shall

- (a) obtain the consent of the occupant or the legal representative of the occupant of the private dwelling or the part of the premises used as a private dwelling, or
- (b) obtain an order from the Court.

(3) A registered political party, registered constituency association or registered candidate shall, within 30 days after receiving a written request from the Chief Electoral Officer or within an extended period that the Chief Electoral Officer may determine, provide any information with respect to the affairs of the registered political party, registered constituency association or registered candidate that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act.

2010 c8 s4;2012 c5 s4;2017 c29 s7;2021 c24 s4(8)

4.3 and **4.4** Repealed 2017 c29 s8.

Office of Chief Electoral Officer

5(1) There shall be a department of the public service of Alberta called the Office of the Chief Electoral Officer, consisting of the Chief Electoral Officer and those officers and employees, including a Deputy Chief Electoral Officer and an Election Commissioner, appointed pursuant to the *Public Service Act* who are required to assist the Chief Electoral Officer in the administration of this Act.

(1.1) For any period during which there is not an appointed Election Commissioner, the Chief Electoral Officer shall act as Election Commissioner.

(1.2) Whether or not there is an appointed Election Commissioner, the Chief Electoral Officer has all the powers, duties and functions of the Election Commissioner for the purposes of this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act*, the *Alberta Senate Election Act*, the *Citizen Initiative Act* and the *Recall Act* and the Election Commissioner exercises or performs those powers, duties and functions subject to any restrictions, limitations or directions that the Chief Electoral Officer may specify.

(1.3) The Office of the Chief Electoral Officer may operate under the name "Elections Alberta".

(2) On the recommendation of the Chief Electoral Officer, the Standing Committee may order that

- (a) any regulation, order or directive made under the *Financial Administration Act*,
- (b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the *Public Service Act*, or
- (c) any regulation, order, determination, direction or other decision under the *Public Sector Compensation Transparency Act*,

be inapplicable to, or be varied in respect of, the Office of the Chief Electoral Officer or any particular employee or class of employees in the Office of the Chief Electoral Officer.

(3) An order made under subsection (2)(a) in relation to a regulation, order or directive made under the *Financial Administration Act* operates notwithstanding that Act.

(3.1) An order made under subsection (2)(c) in relation to a regulation, order, determination, direction or other decision under the *Public Sector Compensation Transparency Act* operates notwithstanding that Act.

(4) The *Regulations Act* does not apply to orders made under subsection (2).

(5) The chair of the Standing Committee shall lay a copy of each order made under subsection (2) before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

RSA 2000 cE-1 s5;2004 c23 s5;2010 c8 s5;2015 cP-40.5 s20;
2019 c15 s13;2021 c24 s4(9)

Immunity

5.1(1) No proceedings lie against the Chief Electoral Officer or a returning officer, or against a person acting for or under the direction of the Chief Electoral Officer or a returning officer, for anything done, or omitted to be done, in good faith in the exercise or performance or the intended exercise or performance of a power, duty or function under this Act, the *Election Finances and Contributions Disclosure Act*, the *Alberta Senate Election Act*, the *Citizen Initiative Act* or the *Recall Act*.

(2) No proceedings lie against the Election Commissioner, or against a person acting for or under the direction of the Election Commissioner, for anything done, or omitted to be done, in good faith in the exercise or performance or the intended exercise or performance of a power, duty or function under this Act, the *Election Finances and Contributions Disclosure Act*, the *Local*

*Authorities Election Act, the Alberta Senate Election Act, the
Citizen Initiative Act or the Recall Act.*

2010 c8 s6;2019 cA-33.5 s50;2019 c15 s13;2021 c24 s4(10)

Salary of Chief Electoral Officer

6 The salary of the Chief Electoral Officer shall be in an amount fixed by the Standing Committee at the time of appointment, that shall be reviewed at least once a year by the Standing Committee.

RSA 1980 cE-2 s6;1992 c12 s3

Annual estimates

7(1) The Chief Electoral Officer shall submit to the Standing Committee on Legislative Offices in respect of each fiscal year an estimate of the sum that will be required to be provided by the Legislature to defray the various charges and expenses of the Office of the Chief Electoral Officer in that fiscal year.

(2) The Standing Committee on Legislative Offices shall review each estimate submitted pursuant to subsection (1) and, on completion of the review, the chair of the Committee shall present the estimate to the President of Treasury Board and Minister of Finance for presentation to the Assembly.

(3) If at any time the Legislative Assembly is not in session, the Standing Committee, or if there is no Standing Committee, the President of Treasury Board and Minister of Finance,

- (a) reports that the Chief Electoral Officer has certified that in the public interest an expenditure of public money is urgently required in respect of any matter pertaining to the Office of the Chief Electoral Officer, and
- (b) reports that either
 - (i) there is no supply vote under which an expenditure with respect to that matter may be made, or
 - (ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the expenditure of the amount estimated to be required.

(4) When the Legislative Assembly is adjourned for a period of more than 14 days, then, for the purposes of subsection (3), the Assembly is deemed not to be in session during the period of the adjournment.

(5) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of the *Financial Administration Act*.

(6) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of the *Financial Administration Act*, added to and deemed to be part of the supply vote to which the report relates.

(7) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after it for granting to His Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

RSA 2000 cE-1 s7;2004 c23 s6;2006 c23 s25;2013 c10 s32;
AR 217/2022

Records management

8 On the recommendation of the Chief Electoral Officer, the Standing Committee may, subject to section 153, make an order

- (a) respecting the management of records in the custody or under the control of the Office of the Chief Electoral Officer, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and destruction and their transfer to the Provincial Archives of Alberta;
- (b) establishing or governing the establishment of programs for any matter referred to in clause (a);
- (c) defining and classifying records;
- (d) respecting the records or classes of records to which the order or any provision of it applies.

1995 c34 s3

Appointment of returning officers

9(1) The Chief Electoral Officer may appoint a returning officer for each electoral division for the purposes of or in connection with elections, enumerations, plebiscites and votes under this Act, the *Citizen Initiative Act* or the *Recall Act* and elections under the *Alberta Senate Election Act*.

(1.1) If a by-election, an election under the *Alberta Senate Election Act* or a plebiscite is to be conducted under this Act before returning officers are appointed under subsection (1), returning officers may be appointed for the purpose of the by-election, election under the *Alberta Senate Election Act* or plebiscite.

(1.2) If a recall vote under the *Recall Act* is to be conducted under this Act before returning officers are appointed under subsection (1), returning officers may be appointed for the purpose of the recall vote.

(2) The returning officer for an electoral division must be an elector and must not be ineligible under section 46 for appointment.

(2.1) Repealed 2017 c29 s9.

(3) In addition to performing the duties specified in this or any other Act, a returning officer shall

- (a) from time to time review voting area boundaries on the direction of the Chief Electoral Officer,
- (b) make all advance plans and preparations to enable an enumeration, election or plebiscite to be proceeded with expeditiously and efficiently when called in the returning officer's electoral division,
- (c) keep himself or herself informed and knowledgeable of the requirements of all relevant legislation, and
- (d) from time to time and when requested by the Chief Electoral Officer, investigate and study enumeration, election and plebiscite practices and procedures for the purpose of effecting increased economy, efficiency and service to electors and candidates.

(4) The Chief Electoral Officer shall publish the name and electoral division of the returning officer appointed for each electoral division on the Chief Electoral Officer's website and in any other manner the Chief Electoral Officer considers appropriate.

(5) Each returning officer shall, before assuming the returning officer's duties, take the prescribed oath of office and transmit it to the Chief Electoral Officer.

RSA 2000 cE-1 s9;2004 c23 s7;2010 c8 s7;
2017 c29 s9;2018 c11 s8;2019 cA-33.5 s50;
2021 c24 s4(11)

Hiring policy

9.1(1) The Chief Electoral Officer shall establish a hiring policy, including policies surrounding conflicts of interest, relating to the

hiring of election officers, enumerators and employees on the basis of merit.

(2) The policy established under subsection (1) must be published on the Chief Electoral Officer's website and in any other manner determined by the Chief Electoral Officer.

2017 c29 s10

Termination of appointment of returning officer

10(1) A returning officer shall immediately notify the Chief Electoral Officer in writing if the returning officer is unable to act and, if the returning officer wishes to resign, shall submit the returning officer's written resignation to the Chief Electoral Officer.

(2) If a returning officer is for any reason unable or unwilling to act, or neglects the returning officer's duties, the Chief Electoral Officer

- (a) before a writ of election has been issued, or
- (b) after a writ of election has been issued and if there is no election clerk appointed for the relevant electoral division,

may appoint an acting returning officer who shall have all the rights and powers and shall perform all the duties of a returning officer for that electoral division until the returning officer resumes the returning officer's duties or a new returning officer is appointed.

(3) The appointment of a returning officer expires 4 months after the election day of the general election in which the returning officer was a returning officer unless it is sooner terminated.

(4) The Chief Electoral Officer shall confirm in writing to each returning officer the date of termination of the returning officer's appointment.

RSA 2000 cE-1 s10;2010 c8 s8;2021 s24 s4(12)

Remuneration of election officers and enumerators

11 All election officers and enumerators shall, on performance of their duties at the request of the Chief Electoral Officer or at the request of a returning officer, be paid remuneration, fees and expenses as established by the Chief Electoral Officer.

RSA 2000 cE-1 s10;2010 c8 s8;2017 c29 s11

Prohibition against political activity

12 No person who has been appointed or is acting as a returning officer or election clerk may

- (a) engage in political activity on behalf of any political party, candidate or constituency association, or
- (b) make a contribution under the *Election Finances and Contributions Disclosure Act*,

while the person is so appointed or acting.

RSA 2000 cE-1 s12;2010 c8 s9;2012 c5 s5;2021 c24 s4(13)

Part 2 Election Lists

Division 1 Register of Electors

Maintenance of register

13(1) The Chief Electoral Officer shall maintain a register of electors from which lists of electors for voting areas for each electoral division may be compiled for use at general elections, by-elections or plebiscites under this Act, petitions, plebiscites or votes under the *Citizen Initiative Act* or the *Recall Act* or referendums or plebiscites under any other Act.

(2) The register of electors may only contain the following information about persons ordinarily resident in Alberta who are electors or will be eligible to be electors:

- (a) the residential address, including the postal code, of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,
- (b) the surname, given name and any middle name of the person,
- (c) the telephone number of the person,
- (c.1) the email address of the person, if the person has consented to the collection and use of their email address,
- (d) the gender of the person,
- (e) the citizenship of the person,
- (f) the date of birth of the person,
- (g) the permanent unique identifier number assigned under subsection (4), and
- (h) any other identification number assigned by other persons who provide information to the Chief Electoral Officer

under section 13.1 or pursuant to an agreement under section 13.2 to assist in distinguishing a person from another person or verifying information about a person.

(2.1) A person may be added to the register of electors when the Chief Electoral Officer has the information with respect to that person that is referred to in subsection (2)(a), (b), (e) and (f).

(3) The information referred to in subsection (2)(d), (e) and (f) obtained under this Act may only be used to verify the identification of an elector when revising the register.

(4) The Chief Electoral Officer may assign, in respect of each elector whose information is contained in the register, a permanent unique identifier number consisting of numbers or letters, or a combination of numbers and letters, to be used to assist in distinguishing an elector from another elector or verifying information about an elector.

RSA 2000 cE-1 s13;2003 c21 s23;2004 c23 s8;
2010 c8 s10;2017 c29 s12;2019 cA-33.5 s50;
2021 c24 s4(14)

Revising the register

13.1(1) The register may, in accordance with this section, be revised from time to time as the Chief Electoral Officer considers necessary but must be revised as soon as possible after the Schedule of electoral divisions in the *Electoral Divisions Act* is amended or re-enacted.

(2) The register may be revised by any or all of the following methods:

- (a) conducting an enumeration in accordance with Division 3 of all or some of the electoral divisions, or portions of any of them, as determined by the Chief Electoral Officer;
- (b) using information provided pursuant to an agreement under section 13.2(1) or (2);
- (c) using personal information held by a public body as defined in the *Freedom of Information and Protection of Privacy Act* if in the opinion of the Chief Electoral Officer the information is necessary for the purpose of revising the register;
- (d) using personal information listed in public telephone directories;
- (e) using any other information obtained by or available to the Chief Electoral Officer.

(2.1) If information has been collected under the *Alberta Personal Income Tax Act* with the consent of the taxpayers to whom the information relates for the purpose of updating the list of electors, the Chief Electoral Officer may use that information to revise the register.

(2.2) The Chief Electoral Officer shall enter in the register any information listed in section 13(2) that is collected during an election period.

(3) A public body as defined in the *Freedom of Information and Protection of Privacy Act* shall, at the request of the Chief Electoral Officer,

- (a) for the purpose of subsection (2)(c), provide personal information held by that public body, and
- (b) provide address, mapping, demographic or geographic information, including geospatial information.

(3.1) At the request of the Chief Electoral Officer, the Department, as defined in the *Health Information Act*, may in the manner that the Department considers appropriate, provide personal health numbers and the information set out in section 13(2)(a) to (f) of this Act with respect to persons ordinarily resident in Alberta who are electors or will be eligible to be electors that is in the custody or under the control of the Department to the Chief Electoral Officer, for the purpose of maintaining and revising the register.

(4) A public body providing information under subsection (3) may charge a reasonable fee for providing the information, but the fee may not exceed the actual cost of producing a copy of the information.

(5) The Chief Electoral Officer may retain information collected under subsection (2) but not included in the register, for the purpose of correlating information contained or to be included in the register.

(6) At the request of the Chief Electoral Officer, the Minister of Education, a board of a school division or a person responsible for the operation of a private school or the operator of a charter school shall disclose to the Chief Electoral Officer the information referred to in section 13(2)(a) to (f) with respect to students who are at least 16 years of age enrolled in a school operated by a board or operator for use by the Chief Electoral Officer for the purpose of maintaining and revising the register.

(7) For the purposes of subsection (6), “charter school”, “private school” and “board” mean “charter school”, “private school” and “board” as defined in the *Education Act*.

2010 c8 s10;2012 cE-0.3 s266;2012 c5 s6;2017 c29 s13;
2021 c24 s4(15)

Agreements on information

13.2(1) The Chief Electoral Officer may enter into an agreement with the Chief Electoral Officer of Canada under the *Canada Elections Act* (Canada)

- (a) to receive from the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer of Alberta in revising the register, and
- (b) to provide to the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer of Canada in preparing or revising that Chief Electoral Officer’s information for the purpose of compiling or revising lists of electors under the *Canada Elections Act* (Canada).

(2) The Chief Electoral Officer may enter into an agreement with a municipality

- (a) to receive from the municipality information that will assist the Chief Electoral Officer in revising the register, and
- (b) to provide to the municipality’s secretary, as defined in the *Local Authorities Election Act*, information that will assist the secretary in compiling or revising information for the purpose of compiling or revising the municipality’s permanent electors register under the *Local Authorities Election Act*.

(3) The Chief Electoral Officer may enter into agreements with any person for the purpose of providing or obtaining address, mapping, demographic or geographic information, including geospatial information.

2010 c8 s10;s2021 s24 s4(16)

Access to information in the register

13.3(1) A person or the person’s agent may, on request and in the manner determined by the Chief Electoral Officer,

- (a) have access to information in the register about the person to determine whether the information is correct, and

- (b) have a notation made in the register that the person does not want to have their personal information included in a list of electors.

(2) Where a person has requested that a notation be made under subsection (1)(b), the Chief Electoral Officer must ensure that the person's personal information is not included in a list of electors.

(3) Any person or agent of a person requesting access to information in the register shall complete and sign a declaration.

2010 c8 s10;2021 c24 s4(17)

Division 2 List of Electors

Review of voting areas

14 The Chief Electoral Officer shall, from time to time, in consultation with the returning officer for each electoral division,

- (a) review the boundary of and the number of electors in each voting area, and
- (b) subdivide the entire electoral division for which the returning officer was appointed into as many sequentially numbered areas as considered necessary for use as voting areas in any general election, by-election, petition, plebiscite, referendum or vote.

RSA 2000 cE-1 s14;2004 c23 s9;2021 c24 s4(18)

List of electors

15(1) Lists of electors for voting areas for each electoral division to be used for a general election, by-election, petition, plebiscite, referendum or vote are to be compiled from the register.

(2) The lists of electors may be compiled manually or by means of any computer-based system and may be in printed form or may be stored in any computer-based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

RSA 2000 cE-1 s15;2021 c24 s4(19)

Persons entitled to be listed as electors

16 Subject to section 45, a person is eligible to have the person's name included on a list of electors if that person as of a date fixed by the Chief Electoral Officer

- (a) is a Canadian citizen,
- (b) is at least 18 years of age, and
- (c) repealed 2017 c29 s14,

- (d) is ordinarily resident in the electoral division and voting area for which that person is to have the person's name included on the list of electors.

RSA 2000 cE-1 s16;2017 c29 s14;2021 c24 s4(20)

Contents of list of electors

17 Subject to section 18(7), only the first names, middle names and surnames, the addresses, including postal codes, the telephone numbers and the unique identifier numbers of electors may be contained in the list of electors.

RSA 2000 cE-1 s17;2004 c23 s10;2010 c8 s11

Distribution of lists of electors

18(1) The Chief Electoral Officer shall furnish the information referred to in subsection (2) free of charge to each registered political party and to each member of the Legislative Assembly who is not a member of a registered political party,

- (a) 2 years after a general election,
- (b) repealed 2017 c29 s15,
- (c) as soon as possible after the register is updated after the Schedule of electoral divisions in the *Electoral Divisions Act* is amended or re-enacted, and
- (d) as soon as possible after the receipt by the Chief Electoral Officer of the Clerk's warrant delivered pursuant to section 32 of the *Legislative Assembly Act*.

(2) The information to be furnished under subsection (1) is as follows:

- (a) to a registered political party,
 - (i) 2 maps showing the voting areas in each electoral division, and
 - (ii) in accordance with the registered political party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area in each electoral division,

and

- (b) to a member of the Legislative Assembly who is not a member of a registered political party,
 - (i) 2 maps showing the voting areas, and

- (ii) in accordance with the member's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area

in the electoral division that the member represents.

(3) The Chief Electoral Officer shall, as soon as possible after a writ has been issued for a general election, furnish free of charge to each registered political party,

- (a) 2 maps showing the voting areas in each electoral division, and
- (b) in accordance with the registered political party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area in each electoral division.

(3.1) The Chief Electoral Officer shall, following the close of revisions to the list of electors under section 50, furnish free of charge

- (a) to each registered political party, one printed copy or one copy in electronic form, or both, in accordance with the political party's request, of the additions to the list of electors for each voting area in each electoral division, and
- (b) to each candidate who has filed nomination papers, one printed copy or one copy in electronic form, or both, in accordance with the candidate's request, of the additions to the list of electors for each voting area in the electoral division in which the candidate is seeking election.

(3.2) The Chief Electoral Officer shall, following the close of advance voting, furnish free of charge

- (a) to each registered political party, one copy in electronic form of the revised list of electors for each voting area in each electoral division, and
- (b) to each candidate who has filed nomination papers, one copy in electronic form of the revised list of electors for each voting area in the electoral division in which the candidate is seeking election.

(4) The Chief Electoral Officer is not required to furnish copies of the maps and lists of electors under subsection (1), (3), (3.1) or (3.2) if there has been no change to the boundaries, the maps or the information in the register that is used to compile the lists of electors since the Chief Electoral Officer last furnished copies of

the boundaries, maps and lists of electors pursuant to subsection (1), (3), (3.1) or (3.2), as the case may be.

(5) The Chief Electoral Officer shall, on request and payment of the cost to produce the information as determined by the Chief Electoral Officer, furnish

- (a) to a registered political party in accordance with the political party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area in each electoral division, and
- (b) to each member of the Legislative Assembly in accordance with the member's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area in the electoral division that the member represents.

(6) A member or a registered political party may request additional copies of the lists of electors in addition to those furnished under subsection (1), (3) or (3.1) on providing a reason for the additional copies and on payment of an amount determined by the Chief Electoral Officer.

(7) For the purpose of tracing the unauthorized use of the list of electors, the Chief Electoral Officer may have fictitious voter information included in a list of electors provided under this section.

(8) Repealed 2012 c5 s7.

RSA 2000 cE-1 s18;2004 c23 s11;2010 c8 s12;2012 c5 s7;
2017 c29 s15;2021 c24 s4(21)

Post-election-day list of electors

19(1) The Chief Electoral Officer shall, within a reasonable period of time after election day for a general election, prepare a post-election-day list of electors for each voting area in each electoral division.

(2) The Chief Electoral Officer shall furnish free of charge

- (a) to each registered political party, one printed copy or one copy in electronic form, or both, in accordance with the political party's request, of the post-election-day list of electors for each voting area in each electoral division, and
- (b) to each member of the Legislative Assembly, one printed copy or one copy in electronic form, or both, in accordance with each member's request, of the

post-election-day list of electors for each voting area in the electoral division that the member represents.

RSA 2000 cE-1 s19;2004 c23 s12;2021 c24 s4(22)

Protection of list

19.1(1) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall take all reasonable steps to protect the list and the information contained in it from loss and unauthorized use.

(2) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall immediately notify the Chief Electoral Officer if the list or information contained in the list has been lost.

(3) On being notified under subsection (2), the Chief Electoral Officer shall direct the person or registered political party to take any action the Chief Electoral Officer considers appropriate.

2012 c5 s8

Restricted use of list of electors

20(1) In this section, “elector” includes a person who is eligible to vote at a plebiscite or referendum conducted under this Act or under an Act to which this Act applies.

(2) A list of electors, including a post-election-day list of electors under section 19, may be used only as follows:

- (a) by a registered political party or a registered constituency association, for communicating with electors, including for soliciting contributions and recruiting party members;
- (b) by a member of the Legislative Assembly
 - (i) for carrying out the duties and functions of the member,
 - (ii) in the case of a member of a registered political party, for soliciting contributions for the use of the registered political party or any constituency association of that party and recruiting party members, and
 - (iii) in the case of a member who is not a member of a registered political party but who has endorsed a constituency association as the official association of the member, for soliciting contributions for the use of the constituency association;
- (c) by a candidate,

- (i) for communicating with electors during a campaign period, including for soliciting contributions and campaigning, and
- (ii) for soliciting contributions during any period authorized under section 43.1 of the *Election Finances and Contributions Disclosure Act*;
- (d) by election officers for the purpose of carrying out their duties under this Act.

RSA 2000 cE-1 s20;2012 c5 s9;2021 c24 s4(23)

Division 3 Enumerations

Enumerations

21(1) The Chief Electoral Officer may, at any time the Chief Electoral Officer considers advisable, conduct an enumeration, or direct a returning officer to conduct an enumeration, of some or all of the electoral divisions, or within an electoral division, by any means the Chief Electoral Officer determines sufficient to meet the purposes of the enumeration.

(2) The Chief Electoral Officer shall issue guidelines and provide direction for the conduct of an enumeration.

(3) With respect to an enumeration of the electors on an Indian reserve or on a Metis settlement, the Chief Electoral Officer shall consult with the council of each Indian band and with the settlement council and settlement administrator of each Metis settlement with respect to the manner in which the enumeration can be conducted most effectively.

RSA 2000 cE-3 s21;2017 c29 s16;2021 c24 s4(24)

Enumerators

22(1) The Chief Electoral Officer may appoint, or direct that a returning officer appoint, sufficient enumerators for the conduct of an enumeration.

(2) If an enumerator is unable or unwilling to act or neglects the enumerator's duties, the Chief Electoral Officer or returning officer conducting the enumeration may appoint another enumerator in the enumerator's place.

RSA 2000 cE-1 s22;2004 c23 s13;2021 c24 s4(25)

23 Repealed 2021 c24 s4(25).

Persons ineligible to act as enumerators

24 The following persons may not be appointed or act as enumerators:

- (a) repealed 2017 c29 s17;
- (b) members of the Parliament of Canada;
- (c) members of the Legislative Assembly;
- (d) candidates;
- (e) official agents;
- (f) judges of federal or provincial courts;
- (g) persons who have within the immediately preceding 10 years been convicted of an indictable offence for which the penalty that may be imposed is greater than 2 years' imprisonment.

RSA 2000 cE-1 s24;2017 c29 s17

25 to 27 Repealed 2021 c24 s4(26).

Oath of office

28 Each enumerator shall, before assuming the enumerator's duties, take the prescribed oath of office before the returning officer or any person authorized to take oaths in Alberta, and no fee may be charged by the person administering the oath.

1996 c15 s5

Right of access for enumerations

29(1) In this section, "multiple dwelling site" means

- (a) an apartment building, condominium building or other multiple residence building, or
- (b) any site in which more than one residence is contained, including a mobile home park, gated community and any similar site.

(2) A person who is in control of a multiple dwelling site shall permit an enumerator who has produced identification documents prescribed by the Chief Electoral Officer to enumerate between 9:00 a.m. and 9:00 p.m. at each residential unit in the multiple dwelling site.

(3) A person to whom an enumerator has produced identification documents referred to in subsection (2) shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with,

the free access of an enumerator to each residential unit in a multiple dwelling site.

RSA 2000 cE-1 s29;2004 c23 s17

Conducting an enumeration

30(1) In this section, “assigned residence” means a residence selected by the Chief Electoral Officer or returning officer in respect of which the information required for the register may be incomplete or incorrect.

(2) An enumerator shall contact, in the manner directed by the Chief Electoral Officer or returning officer, each assigned residence in the voting area to determine which persons residing in the assigned residence

- (a) are Canadian citizens,
- (b) are at least 18 years of age, and
- (c) repealed 2017 c29 s19,
- (d) are ordinarily resident in the electoral division and voting area for which those persons are to have their names included on the list of electors,

as of a date determined by the Chief Electoral Officer, and shall record on the form provided by the Chief Electoral Officer the information referred to in section 13(2)(a) to (f) with respect to those persons.

(3), (4) Repealed 2021 c24 s4(27).

(5) When visiting assigned residences, the enumerator shall wear and prominently display the enumerator’s identification documents.

(6) Repealed 2021 c24 s4(27).

(7) The enumerator may contact the assigned residences in the enumerator’s voting area only between the hours of 9:00 a.m. and 9:00 p.m.

(8) to (10) Repealed 2021 c24 s4(27).

(11) The Chief Electoral Officer may direct an enumerator not to visit an assigned residence if, in the enumerator’s opinion, the safety of the enumerator may be at risk.

RSA 2000 cE-1 s30;2004 c23 s18;2012 c5 s11;2017 c29 s19;
2021 c24 s4(27)

31 to 33 Repealed 2021 c24 s4(28).

34 Repealed 2017 c29 s20.

35 Repealed 2017 c29 s21.

36 Repealed 2017 c29 s22.

37 Repealed 2017 c29 s23.

38 Repealed 2021 c24 s4(28).

Part 3 Elections, By-Elections and Plebiscites

General election dates

38.1(1) Nothing in this section affects the powers of the Lieutenant Governor, including the power to dissolve the Legislature, in His Majesty's name, when the Lieutenant Governor sees fit.

(2) Subject to subsection (1), election day for a general election shall be the last Monday in May in the 4th calendar year following the election day of the most recent general election.

2011 c19 s2;2017 c29 s24;2021 c24 s4(29);AR 217/2022

Authorization to issue writ of election

39 Every election shall be commenced by the passing of an order of the Lieutenant Governor in Council

- (a) authorizing the issue of a writ of election in the prescribed form directed and addressed to the returning officer of each electoral division for which an election is to take place,
- (b) fixing the date of the writ,
 - (i) which must be the same for all writs in the case of a general election, and
 - (ii) which must be the same as the date of the order in the case of a by-election,
- (c) appointing the 10th day after the date of the writ as nomination day, or if the 10th day is a holiday, the next following day not being a holiday,
- (d) providing that, where voting is necessary, the 28th day after the date of the writ is the day on which voting is to take place, or if the 28th day is a holiday, the next following day not being a holiday, and

- (e) directing that the writ be returned as provided by this Act.
RSA 2000 cE-1 s39;2012 c5 s15

Issue of writ of election

40(1) On receipt of an order under section 39, the Chief Electoral Officer shall

- (a) issue writs in accordance with the order, and
- (b) transmit each writ to the returning officer to whom it is addressed.

(2) Immediately on receiving a writ, the returning officer shall endorse on it the date on which it was received by the returning officer.

RSA 1980 cE-2 s37

Writ not affected

41 The validity of any proceedings taken under a writ is not affected by the appointment of a new or acting returning officer.

RSA 1980 cE-2 s38

Forms and materials

42 When transmitting a writ to a returning officer, or as soon as practicable after transmitting the writ to a returning officer, the Chief Electoral Officer shall also forward sufficient copies of the lists of electors for the electoral division and a supply of election forms and materials.

RSA 2000 cE-1 s42;2017 c29 s25

Persons eligible to vote

43(1) For the purposes of subsection (2)(a) and (b), “identification” means identification as defined in section 100(2).

(2) Subject to section 45, an elector is eligible to vote for a candidate in the electoral division where the elector is ordinarily resident if

- (a) the elector’s name appears on the list of electors for the voting area and
 - (i) the name and address on the elector’s identification match the name and address on the list of electors,
 - (ii) the name and address on the elector’s identification does not match the name and address on the list of electors but the elector confirms the elector’s identity and current residential address by signing a declaration under section 100.2, or

- (iii) the elector does not have identification and is accompanied by another elector whose name appears on the list of electors for the same voting area and
 - (A) that other elector provides their identification to an election officer and vouches for the elector by signing a declaration under section 100.3, and
 - (B) the elector confirms the elector's identity and current residence by signing a declaration under section 100.3,
 - (b) the elector's name does not appear on the list of electors for the voting area and
 - (i) the elector provides identification to confirm the elector's identity and current residential address and signs a declaration under section 100.4, or
 - (ii) the elector is accompanied by another elector whose name appears on the list of electors for the same voting area and
 - (A) that other elector provides their own identification to an election officer and vouches for the elector by signing a declaration under section 100.5, and
 - (B) the elector confirms the elector's identity and current address by signing a declaration under section 100.5,
- or
- (c) the elector's name has been entered in the Special Ballot voting record and the elector has properly completed part 1 of the certificate referred to in section 118(2)(d) and provided a copy of their prescribed identification document or documents referred to in section 118(2)(e).
- (3) This section does not apply to
- (a) an initiative petition or an initiative vote under the *Citizen Initiative Act*, or
 - (b) a recall petition or a recall vote under the *Recall Act*.
- RSA 2000 cE-1 s43;2012 c5 s16;2017 c29 s26;2021 c24 s4(30)

Absentee voters

44(1) A person who is otherwise eligible as an elector but who does not meet the residence requirements of section 16(d) because

the person's ordinary place of residence is outside Alberta for the purpose of carrying out the person's function as

- (a) a member of the House of Commons of Canada representing an electoral district in Alberta,
- (b) a member of the Senate of Canada representing Alberta, or
- (c) an employee of the Government of Alberta

is, for the purposes of voting, deemed to be and to have been for the required period ordinarily resident in the voting area of the electoral division in which the person last resided in Alberta and is eligible to have the person's name entered on the list of electors for that voting area and to vote at an election.

(2) A person who

- (a) is the spouse or adult interdependent partner or a dependant of and is ordinarily resident with a person described in subsection (1), and
- (b) is otherwise eligible as an elector,

is, for the purposes of voting, deemed to be and to have been for the required period ordinarily resident in the same voting area as the person described in subsection (1) and is eligible to have the person's name entered on the list of electors for that voting area and to vote at an election.

(3) An application to have a name entered on the lists of electors must be made to the Chief Electoral Officer before the time fixed for concluding revisions to the lists under section 50.

RSA 2000 cE-1 s44;2002 cA-4.5 s32;2021 c24 s4(31)

Persons ineligible to vote

45 Persons prohibited from voting under section 178(4)(e) or 181(1) are not eligible to vote at an election.

RSA 2000 cE-1 s45;2003 c41 s4(27);2010 c8 s14

Appointment of election officers

45.1(1) Subject to section 120(2)(c), the Chief Electoral Officer shall appoint, or provide for the appointment by returning officers of, election officers who shall be assigned to perform the duties and functions of election officers as established by the Chief Electoral Officer, including but not limited to the following duties and functions:

- (a) place signs to direct attention to voting places and post bulletins at voting stations and voting places;

- (b) immediately before the opening of voting places,
 - (i) show ballot boxes to the persons present so that they may see that the ballot boxes are empty,
 - (ii) seal the ballot boxes so that they cannot be opened without breaking the seal, and
 - (iii) place and maintain the ballot boxes on a desk, table, counter or similar place so that the ballot boxes are raised above the floor and constantly in the view of all persons present;
- (c) maintain the ballots provided to them in a secure manner;
- (d) keep ballot boxes sealed, maintain the security of ballot boxes and assist electors in depositing their ballots in ballot boxes;
- (e) maintain the voting record in the manner directed by the Chief Electoral Officer;
- (f) administer voting and take affidavits, oaths and declarations as required under this Act;
- (g) provide voter assistance, at the request of a voter, under section 96;
- (h) instruct, assist and respond to questions from electors;
- (i) assist electors who are not on the list of electors in the completion of declarations;
- (j) maintain peace and order at voting stations, in voting places and on the premises on which voting places are located;
- (k) perform counts, or assist in counts, of unused ballots, declined ballots, spoiled ballots, valid ballots and rejected ballots after the close of voting on election day from
 - (i) advance voting,
 - (ii) mobile voting,
 - (iii) special ballot voting, and
 - (iv) election day voting;
- (l) decide on objections to ballots made by persons attending counts;

- (m) complete Statements of Vote;
- (n) provide overall supervision where there are multiple voting stations in a voting place;
- (o) appoint, in the prescribed form, interpreters to translate questions and answers about voting procedures for persons not conversant in the English language;
- (p) perform other duties and functions as required under this Act or by the Chief Electoral Officer or returning officer, as the case may be.

(2) Subject to the Chief Electoral Officer's approval, each returning officer shall appoint election officers to assist them in performing the duties and functions of the returning officer.

(3) The Chief Electoral Officer shall ensure that election officers under the Chief Electoral Officer's authority are trained sufficiently in order for the election officers to perform their duties and functions.

(4) Each returning officer shall ensure that election officers under the returning officer's authority are trained sufficiently in order for the election officers to perform their duties and functions.

(5) The Chief Electoral Officer shall provide all necessary supplies to election officers under the Chief Electoral Officer's authority in sufficient time to enable each election officer to adequately and efficiently carry out their duties and functions.

(6) Each returning officer shall provide all necessary supplies to election officers under the returning officer's authority in sufficient time to enable each election officer to adequately and efficiently carry out their duties and functions.

(7) The Chief Electoral Officer or a returning officer, as the case may be, shall ensure that election officers are appointed for each voting place to effectively operate the voting place and each voting station within the voting place in accordance with this Act.

(8) Each returning officer shall designate one election officer in each voting place as the supervisor of the voting place, who shall be responsible for

- (a) conducting any duties designated in this Act for the supervisor of a voting place, and
- (b) supervising other election officers appointed to the voting place.

(9) Each election officer shall, before assuming their duties and functions, take the prescribed oath of office before the returning officer, election clerk or other election officer designated under section 49.

(10) Subject to subsection (11), any election officer who is appointed to carry out duties in an electoral division, at the request of their supervisor, may be required to carry out the duties of any other election officer at any voting place in the electoral division if that other election officer is unable to carry out their own duties.

(11) Any election officer may perform the duties of another election officer, other than the duties of a returning officer or election clerk, if required or requested by the Chief Electoral Officer, returning officer or the election officer's supervisor.

(12) If an election officer is required to perform the duties of another election officer, the election officer is not required to take another oath.

(13) If an election officer is unable or unwilling to act or neglects the election officer's duties, the Chief Electoral Officer or returning officer, as the case may be, may appoint another election officer in the election officer's place.

2021 c24 s4(32)

Persons ineligible to be election officers

46(1) The following persons shall not be appointed or act as returning officers or election clerks:

- (a) persons who are not electors;
- (b) members of the Parliament of Canada;
- (c) members of the Legislative Assembly;
- (d) councillors under the *Municipal Government Act*;
- (e) trustees of a board of a school division under the *Education Act*;
- (f) candidates;
- (g) official agents;
- (h) judges of federal or provincial courts;
- (i) persons who have, within the immediately preceding 10 years, been convicted of an indictable offence where the penalty that may be imposed for that offence is greater than 2 years' imprisonment.

(2) The persons listed in clauses (b) to (i) shall not be appointed or act as an election officer.

RSA 2000 cE-1 s46;2004 c23 s24;2010 c8 s15;
2012 cE-0.3 s266;2017 c29 s27

Appointment of election clerks

47(1) In preparation for the conduct of an election in an electoral division, the Chief Electoral Officer shall appoint an election clerk.

(2) If an election clerk is unable or unwilling to act or neglects the election clerk's duties, the Chief Electoral Officer may appoint another election clerk in the election clerk's place.

(3) The Chief Electoral Officer may appoint additional election clerks for an electoral division as the Chief Electoral Officer considers necessary.

(4) Repealed 2017 c29 s28.

(5) Each election clerk shall, before assuming the election clerk's duties, take the prescribed oath of office.

RSA 2000 cE-1 s47;2004 c23 s25;2010 c8 s16;2012 c5 s17;
2017 c29 s28

47.1 Repealed 2021 c24 s4(33).

Duties of election clerks

48(1) An election clerk shall assist the returning officer in the performance of the returning officer's duties and, if the returning officer becomes ineligible to hold the office or is unable or unwilling to act and has not been replaced by a successor, the election clerk or, if there is more than one, the election clerk first appointed, shall act as returning officer.

(2) When an election clerk is acting as a returning officer, the election clerk is liable for the election clerk's acts or omissions in the election clerk's capacity as returning officer as if the election clerk had been appointed a returning officer.

(3) An election clerk acting as a returning officer is not required to take the oath of a returning officer.

RSA 1980 cE-2 s44

Oaths and affidavits

49(1) An oath or affidavit required under this Act from any person except a returning officer may be sworn before the returning officer for the relevant electoral division or any election officer designated by the Chief Electoral Officer.

(2) An oath or affidavit required under this Act from any person except a returning officer or election clerk may be sworn before the

election clerk for the relevant electoral division or any election officer designated by the Chief Electoral Officer.

RSA 2000 cE-1 s49;2017 c29 s30

Revision of voting area lists

50(1) Immediately following receipt of a writ, the returning officer shall have available in the returning officer's office and in any other location as directed by the Chief Electoral Officer one copy of the list of electors transmitted by the Chief Electoral Officer.

(1.1) Following the issuance of the writ, an elector may apply to the returning officer in the elector's electoral division or to the Chief Electoral Officer for a revision to the list.

(2) The period for considering applications for revisions to the list shall

(a), (b) repealed 2017 c29 s31,

(c) conclude at 4 p.m. on the Saturday of the week preceding the opening of advance voting.

(3) Section 13.1 applies with all necessary modifications to revisions under this section.

(4) Repealed 2017 c29 s31.

RSA 2000 cE-1 s50;2004 c23 s27;2017 c29 s31;2021 c24 s4(34)

Access to electors list and revisions

51(1) The list of electors and a separate list of additions to or revisions of the list of electors shall be available in the office of the returning officer to any person for the purpose of

(a) determining whether the person's name is on the list of electors, or

(b) verifying whether the information about the person is correct.

(2) The lists referred to in subsection (1) shall be available from the date the Chief Electoral Officer issues a writ of election under section 40 until the end of election day.

(3) A candidate or the candidate's official agent may inspect the list of electors and a separate list of additions to or revisions of the list of electors following the commencement of the revision period and may request copies of the list of electors and additions to the list of electors.

(4) Any person requesting access to the information in the lists for the purposes set out in subsection (1) or (3) shall complete and sign a declaration.

RSA 2000 cE-1 s51;2004 c23 s28;2010 c8 s18;2021 c24 s4(35)

Location of voting places

52(1) Each returning officer shall, following receipt of the writ, provide voting places at which the voting stations for each voting area within the returning officer's electoral division will be located.

(2) A voting place shall be in a location that, in the opinion of the returning officer, is convenient for the electors.

(3) Every voting place must, where practicable, be located in premises with barrier-free accessibility.

(4) A returning officer may utilize as a voting place any public building or any school that is the property of any school division organized under any Act if the building or school is suitable for the purpose.

(5) There may be more than one voting station located in a voting place.

(6) A voting place does not need to be located in the voting area but shall be located in the electoral division.

(6.1) Notwithstanding subsection (6), with the prior written approval of the Chief Electoral Officer a voting place may be in an adjacent electoral division if the returning officer is unable to find a suitable place in the electoral division for the voting place or voting station.

(7) No voting place may be situated in licensed premises.

RSA 2000 cE-1 s52;2004 c23 s29;2012 cE-0.3 s266;
2017 c29 s32;2021 c24 s4(36)

Location of voting places on Indian reserves and Metis settlements

52.1(1) In preparation for an election, the Chief Electoral Officer shall consult with the council of each Indian band and with the settlement council and settlement administrator of each Metis settlement to determine whether a suitable building located on the Indian reserve or Metis settlement may be used as a voting place for electors who are residents on the Indian reserve or Metis settlement.

(2) If the council of an Indian band or the settlement council of a Metis settlement agrees to the use of a suitable building located on the Indian reserve or Metis settlement, the Chief Electoral Officer shall use the building as a voting place.

2017 c29 s33;2021 c24 s4(37)

Designation of remote areas

52.2(1) The returning officer for an electoral division may designate, with the approval of the Chief Electoral Officer, any area of the electoral division as a remote area.

(2) An elector ordinarily resident in a designated remote area is eligible to vote by Special Ballot.

(3) A designated remote area is a voting area but no voting places may be established in it and no election officers may be appointed for it.

2021 c24 s4(38)

Change of voting place

53(1) Subject to section 4(3.1) and (3.5), if it is found to be impractical to hold the vote in a voting place fixed by the returning officer, the returning officer may fix a different voting place as near as possible to the location originally fixed and shall give immediate notice of the change to all candidates or their official agents and publish the change on the Chief Electoral Officer's website and in any other manner the Chief Electoral Officer considers necessary.

(2) When a different voting place is fixed under subsection (1), the returning officer shall cause a conspicuous sign that clearly and accurately states the location of the new voting place to be attached to the original place where the voting place was to be located.

RSA 2000 cE-1 s53;2017 c29 s34;2021 c24 s4(39)

Voting place signs

54(1) The Chief Electoral Officer shall prepare conspicuous signs for directing electors to the location of each voting place and shall distribute the signs to each returning officer.

(2) Each returning officer shall distribute the signs to the supervisor of each voting place in the returning officer's electoral division.

(3) The supervisor of each voting place shall place, or shall direct election officers at each voting place to place, the signs at locations that will best direct attention to the voting place.

RSA 2000 cE-1 s54;2004 c23 s30;2012 c5 s19;2021 c24 s4(40)

Publication of election proclamation

55(1) Each returning officer shall, as soon as possible but not later than the 5th day before nomination day, issue a proclamation containing the following:

- (a) repealed 2017 c29 s35,
- (b) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations,
- (c) the place, dates and hours fixed for advance voting if voting is necessary,
- (d) the date of election day and the hours at which the voting places will open and close if voting is necessary,
- (e) the date and time for announcing the results of the official count, that date being the 10th day after election day, and
- (f) the name of the returning officer and the contact information for the returning officer's office.

(2) A returning officer shall post a copy of the following in the returning officer's office:

- (a) the proclamation referred to in subsection (1);
- (b) a map of the electoral division including the numbered voting areas;
- (c) a list of the locations of voting places;
- (d) a statement of the availability of barrier-free accessibility to the office of the returning officer and to advance voting places;
- (e) repealed 2017 c29 s35.

(2.1) The Chief Electoral Officer shall, as soon as possible, publish the information in the proclamation referred to in subsection (1)(b) to (f) and the information referred to in subsection (2)(b) and (d) on the Chief Electoral Officer's website and in any other manner determined by the Chief Electoral Officer that provides electors with adequate notice of the election.

(3) Repealed 2017 c29 s35.

(4) If any of the information published under subsection (2.1) is or becomes inaccurate, the Chief Electoral Officer shall

- (a) publish details of the correction on the Chief Electoral Officer's website and in any other manner in which the

Chief Electoral Officer has published the information under subsection (2.1), and

- (b) immediately provide to all candidates or their official agents written details of the correction.

(5) Repealed 2017 c29 s35.

RSA 2000 cE-1 s55;2004 c23 s31;2010 c8 s19;2012 c5 s20;
2017 c29 s35;2021 c24 s4(41)

Eligibility

56 A person is eligible to be nominated as a candidate in an election if on the day the person's nomination paper is filed the person

- (a) is a Canadian citizen,
- (b) is of the full age of 18 years or will be that age on election day,
- (c) has been ordinarily resident in Alberta continuously from the day 6 months immediately preceding election day,
- (c.1) is registered under section 9 of the *Election Finances and Contributions Disclosure Act*,
- (c.2) is not an inmate,
- (d) is not prohibited from being nominated as a candidate under this Act by reason of section 57, 58, 178 or 181, and
- (e) is not a member of the Senate or House of Commons of Canada.

RSA 2000 cE-1 s56;2004 c23 s32;2010 c8 s20;
2017 c29 s36;2021 c24 s4(42)

Prohibition against nomination

57 A person is prohibited from being nominated as a candidate in an election if

- (a) the Speaker has laid a report before the Assembly pursuant to section 44(1) of the *Election Finances and Contributions Disclosure Act*,
- (b) that person was the registered candidate or the registered nomination contestant or the chief financial officer of the registered candidate or registered nomination contestant referred to in the report,
- (c) the Court did not dispense with compliance with section 43, 43.01, 43.02 or 43.1 of that Act by an order under section 44(4) of that Act, and

- (d) nomination day for the election occurs within
 - (i) the 8-year period following the day on which the Speaker laid the report before the Assembly, or
 - (ii) where the return has been filed with the Chief Electoral Officer, the 5-year period following the day of filing,

whichever period expires first.

RSA 2000 cE-1 s57;2010 c8 s21;2016 c29 s52

Prohibition against nomination

58 A person is prohibited from being nominated as a candidate in an election if

- (a) that person has been declared disqualified from membership of the Legislative Assembly pursuant to section 29 of the *Legislative Assembly Act* or has been expelled from membership of the Legislative Assembly pursuant to section 29 of the *Conflicts of Interest Act*,
- (b) nomination day for the election occurs within the 8-year period following the day on which the declaration of disqualification or expulsion was made, and
- (c) the cause of the disqualification under the *Legislative Assembly Act* or of the breach under the *Conflicts of Interest Act* has not been removed by nomination day.

1983 cL-10.1 s54;1991 cC-22.1 s50

Nomination of candidates

59(1) At any time during the period referred to in subsection (1.01), any 25 or more electors of an electoral division may nominate a person eligible to be a candidate as a candidate for that electoral division by signing a nomination paper in the prescribed form.

(1.01) The period for the purpose of subsection (1) is as follows:

- (a) repealed 2021 c24 s4(43);
- (b) in the case of a general election, the period commencing with the issue of a writ for the general election and ending on nomination day;
- (c) in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending on nomination day;

(d) where a nomination contest is held by a registered party or a registered constituency association under the *Election Finances and Contributions Disclosure Act*, the period commencing as soon as the nomination contestant, as defined in the *Election Finances and Contributions Disclosure Act*, is selected for endorsement as the official candidate of the registered party for the electoral division, and ending on nomination day.

(1.1) The nomination paper referred to in subsection (1) must be filed with the returning officer for the electoral division for which the person is being nominated at any time prior to 2 p.m. on the date appointed as nomination day.

(2) The signatures of the electors nominating a candidate must be witnessed by another elector who shall complete the required affidavit on the nomination paper prior to its filing.

(3) A candidate whose nomination papers are not filed with the returning officer prior to the time set for the closing of nominations ceases to be a candidate on the closing of nominations.

(4) At any one time, a person is not eligible to be nominated as a candidate for more than one electoral division.

(5) An elector resident in an electoral division, on application to the returning officer of that electoral division, may, during the period commencing on the day following nomination day and ending on election day, inspect the nomination papers filed by candidates in that electoral division.

RSA 2000 cE-1 s59;2010 c8 s22;2012 c5 s21;2017 c29 s37;
2021 c24 s4(43)

Official agents of candidates

60(1) Each person being nominated as a candidate shall appoint an elector to be the person's official agent on the person's nomination and shall include the name and contact information of the person so appointed in the appropriate place in the nomination form.

(1.1) No candidate shall act as an official agent.

(2) The duties of an official agent are those prescribed by the candidate.

(3) The official agent shall not perform the duties of the chief financial officer unless the official agent is the candidate's chief financial officer.

(4) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the name and contact information of the person so appointed.

RSA 2000 cE-1 s60;2004 c23 s33;2017 c29 s38

Filing nomination papers

61(1) A nomination paper is not valid and shall not be accepted for filing by the returning officer unless the original nomination paper is submitted for filing and

- (a) it contains a properly completed affidavit of the attesting witness or witnesses, as the case may be, to the signatures of the nominating electors,
- (a.1) it is signed by the candidate,
- (b) it states an address within Alberta at which documents may be served and notices given respecting the candidate,
- (c) it contains the appointment, name, address and telephone number of the official agent immediately followed, subject to clause (d), by the signature of the person being nominated,
- (d) the person being nominated confirms by affidavit
 - (i) that the person is eligible under section 56 for nomination,
 - (ii) that the person consents to the person's nomination,
 - (iii) the appointment of the person's official agent,
 - (iv) that the person is the officially endorsed candidate of a registered political party or is an independent candidate,

and the confirmation is filed with the nomination paper, and

- (d.1) the person being nominated provides the returning officer with identification in a form prescribed by the Chief Electoral Officer,
- (e) repealed 2021 c24 s4(44);
- (f) it is filed with the returning officer prior to 2 p.m. on the date appointed as nomination day.

(2) If the person being nominated is to be the candidate of a registered political party, the person shall, at the time of filing the person's nomination paper, file a certificate in the prescribed form stating that the nominee is the candidate for that registered political party.

(3) On the filing of a valid nomination paper, the returning officer shall give a receipt in the prescribed form, which is proof of receipt of the deposit and of the filing of the nomination paper.

(4) Repealed 2021 c24 s4(44).

RSA 2000 cE-1 s61;2004 c23 s34;2010 c8 s23;2012 c5 s22;
2017 c29 s39;2021 c24 s4(44)

62 Repealed 2021 c24 s4(45).

Material to be provided to candidate

63 The returning officer, on filing a nomination paper, shall provide to the candidate,

- (a) if the candidate is the candidate of a registered political party,
 - (i) one copy of the proclamation,
 - (ii) one list of the locations of the voting places, and
 - (iii) a sufficient number of copies of the prescribed form for the appointment of scrutineers,

and

- (b) in every other case,
 - (i) one copy of the proclamation,
 - (ii) one map of the electoral division indicating the numbered voting areas,
 - (iii) one list of the locations of the voting places,
 - (iv) a sufficient number of copies of the prescribed form for the appointment of scrutineers, and
 - (v) in accordance with the candidate's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area in the electoral division.

RSA 2000 cE-1 s63;2004 c23 s36;2012 c5 s24;2021 c24 s4(46)

Election by acclamation

64 If only one candidate is nominated by the time nominations close for an electoral division, the returning officer shall

- (a) immediately declare that candidate elected,

- (b) make the returning officer's return in the prescribed form to the Chief Electoral Officer certifying the election of the candidate, and
- (c) as soon as possible return to the Chief Electoral Officer the writ of election and all other election materials.

RSA 1980 cE-2 s58

Withdrawal of candidate

65(1) At any time after the filing of the candidate's nomination paper but not later than 48 hours before the opening of the vote on election day, the candidate may withdraw by filing with the returning officer a declaration to that effect with an original signature of the candidate and having the candidate's signature witnessed.

(2) If, after a candidate withdraws, only one candidate remains, the returning officer shall proceed in accordance with section 64 as if only one candidate had been nominated.

(3) If

- (a) a candidate withdraws after the ballots for the electoral division for which the candidate was nominated are printed, and
- (b) there remain 2 or more candidates,

the returning officer shall advise each supervisor of a voting place in the returning officer's electoral division personally or by email or telephone of the withdrawal and, if there is sufficient time, the returning officer shall prepare a notice of withdrawal and distribute a copy to each supervisor of a voting place, who shall post it in a conspicuous location in the voting place.

(4) When, in acting under subsection (3), there is insufficient time to prepare and distribute a notice of withdrawal, the returning officer, when advising each supervisor of a voting place of the withdrawal, shall instruct each of those supervisors to cause a notice of withdrawal to be prepared by hand, and each of those supervisors shall post the notice in a conspicuous place in the voting place.

(5) When a candidate has withdrawn, each election officer that issues a ballot for that electoral division is responsible for ensuring that each voter is advised when receiving a ballot.

RSA 2000 cE-1 s65;2021 c24 s4(47)

Death of candidate

66(1) If a candidate in an electoral division dies after being nominated and prior to the closing of the voting places on election day,

- (a) the election for that electoral division shall be discontinued,
- (b) a new election for the electoral division shall be commenced under section 39 as if the election were a by-election, and
- (c) nominations of candidates previously filed remain valid for the new election.

(2) This Act applies to an election under this section as if it were a by-election.

RSA 2000 cE-1 s66;2004 c23 s37;2021 c24 s4(48)

Close of nominations

67(1) At 2 p.m. on the date appointed as nomination day, the returning officer shall, at the place fixed for the filing of nominations,

- (a) declare the nominations closed,
- (b) announce the names of all officially nominated candidates in the electoral division,
- (c) announce the name and contact information of each candidate's official agent, and
- (d) announce the date of the election and the date and time at which the official results will be announced.

(1.1) Repealed 2021 c24 s4(49).

(2) On complying with subsection (1), the returning officer shall, as soon as possible,

- (a) make available a list of the candidates to each candidate or each candidate's official agent, and
- (b) publish the names and contact information of the candidates' official agents in the form and manner directed by the Chief Electoral Officer.

(3) If another official agent is appointed under section 60(4), the returning officer shall publish in the same manner as provided in subsection (2) the name and contact information of the newly appointed official agent.

RSA 2000 cE-1 s67;2012 c5 s25;2017 c29 s40;2021 c24 s4(49)

Service on candidate of documents and notices

68 Any document or notice delivered between 9 a.m. and 6 p.m. to the address stated for that purpose in a candidate's nomination paper is deemed to have been personally served or given to that candidate.

RSA 1980 cE-2 s62

Posting of notice of vote

69(1) If a vote is necessary in an electoral division, the returning officer shall, immediately after the close of nominations, cause to be posted at every place where the proclamation was posted a notice of vote in the prescribed form indicating the names of the candidates and their respective registered political parties, if any, in the order in which the candidates' names will appear on the ballot.

(2) The returning officer shall

- (a) ensure that corrections of obvious errors or omissions are made to the posted notices at any time up to 48 hours prior to the hour fixed for the opening of the voting places on election day, and
- (b) notify the candidates of all corrections as they are made.

RSA 2000 cE-1 s69;2017 c29 s41;2021 c24 s4(50)

Publishing information re location of voting place

70 Each returning officer shall publish within the 7 days immediately preceding election day, in the form and manner directed by the Chief Electoral Officer,

- (a) the map of the electoral division setting out the voting areas,
- (b) a list of the locations of the voting places, and
- (c) a statement of the availability of barrier-free accessibility to the office of the returning officer and to voting places.

RSA 2000 cE-1 s70;2012 c5 s26;2017 c29 s42;2021 c24 s4(51)

71 to 77.2 Repealed 2021 c24 s4(52).

Interpreters

78(1) An interpreter may be appointed in the prescribed form to translate questions and answers about voting procedures for persons not conversant in the English language.

(2) An interpreter shall be appointed

- (a) by a returning officer, or

- (b) by an election officer who has been assigned to appoint interpreters where the appointment is for one or more temporary periods.

(3) Despite section 106, an interpreter can accompany a voter into a voting booth or mark the voter's ballot if the interpreter has taken the prescribed oath.

RSA 2000 cE-1 s78;2004 c23 s42;2021 c24 s4(53)

Scrutineers

79(1) Subject to subsection (1.1), each candidate may appoint in the prescribed form scrutineers

- (a) to represent the candidate at each voting station,
- (b) to be present at the place to which the ballot box is brought under section 96(1.1),
- (c) to observe the election procedures on the candidate's behalf, and
- (d) to be present at the place where declarations are taken under sections 100.2 to 100.5 while an elector is completing a declaration under one of those sections.

(1.1) For the purposes of subsection (1),

- (a) each candidate may appoint 4 scrutineers for each voting station for election day and 4 scrutineers for each voting station for each day of advance voting,
- (b) each candidate may appoint 4 scrutineers for each place where declarations are taken under sections 100.2 to 100.5 for election day and each day of advance voting,
- (c) only one scrutineer for a candidate may be present at a voting station at any one time, and
- (d) only one scrutineer for a candidate may be present at a place where declarations are taken under sections 100.2 to 100.5 at any one time.

(1.2) Each scrutineer is required to take the prescribed oath of secrecy administered by the returning officer or an election officer assigned to administer oaths.

(2) The Chief Electoral Officer shall establish a code of conduct for scrutineers.

(3) The code of conduct must be posted in each voting place.

(4) Each candidate shall provide to each of his or her scrutineers a copy of the code of conduct.

(5) A scrutineer shall comply with the code of conduct, and a scrutineer may be removed from the voting place if in the opinion of an election officer appointed to that voting place the scrutineer fails to comply with the code.

(6) If a scrutineer is removed from a voting place pursuant to subsection (5), that scrutineer shall not be appointed or act as a scrutineer in any electoral division for that election, and the candidate may appoint a replacement scrutineer.

RSA 2000 cE-1 s79;2004 c23 s43;2010 c8 s26;2012 c5 s31;
2021 c24 s4(54)

80 Repealed 2021 c24 s4(55).

Ballot boxes

81(1) The Chief Electoral Officer shall provide each returning officer with a sufficient number of ballot boxes to conduct the election in the returning officer's electoral division.

(2) The ballot boxes shall be

- (a) repealed 2017 c29 s48,
- (b) accompanied with sealing material, and
- (c) designed in a manner that permits the deposit of ballots but does not permit their removal without breaking the seal after it has been applied.

RSA 2000 cE-1 s81;2017 c29 s48

Provision of ballots

82(1) The Chief Electoral Officer shall ensure a sufficient number of ballots are available for use in an election.

(2) Repealed 2017 c29 s49.

(3) The printer shall deliver to the returning officer with the printed ballots a completed and executed Affidavit of Printer in the prescribed form.

RSA 2000 cE-1 s82;2017 c29 s49

Contents of ballots

83(1) Each ballot shall set out the name of each candidate together with

- (a) the name of the registered political party for which the candidate is the candidate, or

- (b) the word “Independent” if the candidate is not a candidate for a registered political party

in a type of at least 12 point capital letters.

(2) Notwithstanding subsection (1)(a), an abbreviated form of the name of the registered political party or recognizable initials representing that party as directed by the leader of the registered political party under section 7(1)(b) of the *Election Finances and Contributions Disclosure Act* may be used.

(3) The names of the candidates shall be set out on the ballot as follows:

- (a) the candidate’s
 - (i) given name,
 - (i.1) middle name,
 - (ii) initials, or
 - (iii) nickname, subject to subsection (3.2)or any combination of them in a type of at least 12 point capital letters;
- (b) the candidate’s surname shall appear following the given name, initials or nickname, as the case may be, and be in a type of at least 12 point capital letters;
- (c) the candidates’ names shall be listed on the basis of the alphabetical order of their surnames and, where 2 or more candidates have identical surnames, those candidates’ names shall be listed on the basis of the alphabetical order of their given names;
- (d) no titles, degrees, prefixes or suffixes may be included with a name.

(3.01) For the purpose of subsection (3)(a)(i.1), only one middle name is permitted.

(3.1) Notwithstanding subsections (1) and (3), where the name of the registered political party or a candidate does not fit on the ballot, the returning officer shall have the ballots printed, in their entirety, in a font that is up to 2 points smaller than that required by subsections (1) and (3).

(3.2) The Chief Electoral Officer may disallow the use of a name, other than a person’s legal name, or nickname having regard to the integrity of the election.

- (4) Every ballot shall include a stub and there shall be a line of perforations between the ballot and the stub.
- (5) The ballot and stub shall be in the prescribed form and shall be bound or stitched in books in quantities that the Chief Electoral Officer considers appropriate.
- (6) The ballots shall be serially numbered with the number of each ballot appearing on the back of the stub.
- (7) All ballots shall be legible and as nearly alike as possible.
- (8) Repealed 2010 c8 s27.
- (9) Each ballot shall have the name of the electoral division and the year of the election.

RSA 2000 cE-1 s83;2004 c23 s44;2010 c8 s27;
2017 c29 s50;2018 c11 s8;2021 c24 s4(56)

Record of ballots

84 Each returning officer shall maintain a record of

- (a) the quantity of ballots that are provided to the election officers in the electoral division, and
- (b) the serial numbers of the ballots.

RSA 2000 cE-1 s84;2021 c24 s4(57)

85 Repealed 2021 c24 s4(58).

Extra voting places or voting stations

86(1) If the Chief Electoral Officer or a returning officer considers it necessary, the Chief Electoral Officer or the returning officer may establish additional voting places or voting stations for the convenience of the voters.

(2) If additional voting places or voting stations are established, the returning officer shall give notice of the additional voting places or voting stations, as the case may be, as soon as practicable to all candidates in the electoral division or their official agents by telephone and shall confirm the same by written notice, which may be provided by email.

RSA 2000 cE-1 s86;2017 c29 s52;2021 c24 s4(59)

87 Repealed 2021 c24 s4(60).

Voting place hours

88(1) Subject to subsection (3), voting places shall be open for the purpose of voting during the following hours only:

- (a) for advance voting,

- (i) in the case of the advance voting place established under section 98(1.1)(a), from 9 a.m. to 8 p.m. on each of the Tuesday, Wednesday, Thursday, Friday and Saturday of the full week preceding election day, and
 - (ii) in the case of additional voting places for advance voting established under section 98(1.1)(b), during the days and hours fixed by the returning officer during the period from 9 a.m. to 8 p.m.;
- (b) for mobile voting held in accordance with section 120, on the days fixed by the returning officer, during the hours fixed by the returning officer;
 - (c) for voting on election day, from 9 a.m. to 8 p.m.
- (2)** No voting shall be permitted before the opening of a voting place.
- (3)** At closing time the entrance to each voting place shall be closed, and only those persons who are inside the voting place or in line to enter the voting place at that time shall be permitted to vote after the closing time.

RSA 2000 cE-1 s88;2004 c23 s81;2017 c29 s53;2021 c24 s4(61)

88.1 Repealed 2017 c29 s54.

Opening of voting places

- 89(1)** Each election officer that has been appointed to a voting place shall attend at the voting place at least 60 minutes prior to the opening of the voting place.
- (2)** During the 30 minutes immediately prior to the opening of the voting place, candidates, official agents and scrutineers are entitled to inspect the ballots and examine all documents, materials and ballot boxes to be used in the taking of the vote.
- (3)** If the supervisor of a voting place is not in attendance at the voting place when the voting place is to be open for the purpose of voting, any election officer who is present at the voting place may commence the voting process.
- (4)** If any election officer is not in attendance at the voting place at the time when the voting place is to be open for the purpose of voting, another election officer shall advise the returning officer of the absence.

RSA 2000 cE-1 s89;2004 c23 s45;2017 c29 s55;2021 c24 s4(62)

Posting of bulletins

90(1) Prior to the opening of a voting place, an election officer assigned to post bulletins shall post in a conspicuous location near each voting booth the following prescribed bulletins:

- (a) Notice as to Secrecy of Voting;
- (b) Directions for Guidance of Voters;
- (b.1) such other bulletins required by the Chief Electoral Officer to assist in the effective conduct of the election.
- (c) repealed 2010 c8 s29.

(2) Each election officer appointed to the voting place shall ensure that the bulletins posted under subsection (1) remain posted during voting hours.

RSA 2000 cE-1 s90;2010 c8 s29;2012 c5 s32;2017 c29 s56;
2021 c24 s4(63)

Voting booths

91(1) Each voting station shall contain one or more voting booths arranged so that when a voter is in the voting booth the voter is screened from observation and may mark the voter's ballot without interference.

(2) In each voting booth there shall be provided for the use of voters marking their ballots

- (a) a suitable table, desk or shelf, and
- (b) a suitable marking instrument which shall be properly maintained during voting hours.

RSA 2000 cE-1 s91;2021 c24 s4(64)

Persons entitled to remain in voting place

92(1) Only the following persons may remain in a voting place during voting hours:

- (a) the election officers appointed in respect of that voting place;
- (a.1), (b) repealed 2021 c24 s4(65);
- (c) the returning officer and election clerk;
- (d) the Chief Electoral Officer, members of the Chief Electoral Officer's office staff designated by the Chief Electoral Officer and visiting officials from other electoral jurisdictions authorized by the Chief Electoral Officer;
- (e) repealed 2021 c24 s4(65);

- (f) one scrutineer per candidate for each voting station;
- (f.1) one scrutineer per candidate at each place where declarations are being taken under sections 100.2 to 100.5;
- (g) the interpreters;
- (h) peace officers appointed under the *Peace Officer Act*;
- (i) repealed 2021 c24 s4(65);
- (j) other election officers authorized by the Chief Electoral Officer.

(1.1) Students may briefly visit a voting place in their school for educational purposes with the consent of the supervisor of the voting place.

(1.2) Members of the media may briefly visit a voting place after receiving confirmation from the supervisor of the voting place that the electors in the voting place all agree to the visit.

(2) Nothing in this Act restricts a candidate from briefly visiting a voting place during voting hours.

RSA 2000 cE-1 s92;2004 c23 s46;2006 cP-3.5 s35;
2012 c5 s33;2021 c24 s4(65)

Secrecy

93(1) All persons referred to in section 92(1) shall take the prescribed oath of secrecy before performing their duties under that section and shall aid in maintaining the secrecy of the voting.

(2) If an election officer suspects that any contravention of the law governing secrecy in relation to voting has occurred, the election officer shall as soon as possible advise the returning officer, who shall immediately notify the Chief Electoral Officer.

(3) Repealed 2010 c8 s30.

RSA 2000 cE-1 s93;2010 c8 s30

Preservation of peace and order

94(1) Every election officer, from the time that officer takes that officer's oath of office until completion of the duties of that office,

- (a) is charged with preserving the peace at voting places,
- (b) is vested with all the powers of a justice of the peace, and
- (c) may, where a person is contravening subsection (3),

- (i) request the assistance of a justice of the peace, a peace officer or any person present to aid that election officer in maintaining peace and order at the voting place,
- (ii) order any person contravening subsection (3) to leave the voting place and the premises on which the voting place is located,
- (iii) arrest or cause to be arrested and placed in the custody of a peace officer or other person any person contravening subsection (3), and
- (iv) cause an arrested person to be imprisoned on that officer's written order until a time not later than the close of voting.

(2) When requested to do so under subsection (1)(c), a peace officer shall forthwith attend on and assist the person making the request in the performance of the person's powers under that subsection.

(3) No person shall in any manner

- (a) create a disturbance, or
- (b) disrupt the proceedings

at a voting place on election day, an advance voting place or a mobile voting place.

RSA 2000 cE-1 s94;2004 c23 s47;2006 cP-3.5 s35;
2012 c5 s34;2021 c24 s4(66)

95 Repealed 2021 c24 s4(67).

Voter assistance

96(1) An election officer assigned to provide voter assistance, at the request of a voter who is unable to vote in the usual manner, shall

- (a) assist the voter by marking the voter's ballot in the manner directed by the voter in the presence of a 2nd election officer, and
- (b) if requested by the voter, place the ballot so marked in the ballot box.

(1.1) Where a voter is unable to access a voting place because of the voter's physical disability, at least 2 election officers, including at least one who has been assigned to provide voter assistance at

the request of a voter, shall bring the ballot box to some other place on the site on which the voting place is located.

(1.2) Before the ballot box is brought to some other place on the site under subsection (1.1), one of the election officers bringing the ballot box to some other place on the site shall advise the scrutineers at the voting place.

(2) Repealed 2004 c23 s49.

(3) The election officer who is assisting the voter under subsection (1) shall

(a) if the voter is accompanied by a friend,

(i) permit the friend to accompany the voter into a voting booth to mark the voter's ballot, and

(ii) if requested by the voter or the friend, place the ballot in the ballot box,

or

(b) if the voter is not accompanied by a friend or does not wish to be assisted by the election officer,

(i) provide the voter with a Voter Template in the prescribed form, and

(ii) instruct the voter in its use.

(4) The friend of a voter, if assisting the voter to vote, shall take the prescribed oath before assisting the voter referred to in subsection (1) to vote.

(5) When a ballot has been marked pursuant to this section, an election officer assigned to maintain the voting record shall enter in the voting record opposite the name of the voter and in the appropriate column either "voter assistance" or "template", as the case may be.

RSA 2000 cE-1 s96;2004 c23 s49;2010 c8 s32;
2012 c5 s36;2017 c29 s57;2021 c24 s4(68)

List of electors for advance voting

97 The Chief Electoral Officer shall provide each election officer appointed to an advance voting place with a copy of the list of electors for use during advance voting.

RSA 2000 cE-1 s97;2012 c5 s37;2017 c29 s58;
2021 c24 s4(69)

Voting places for advance voting

98(1) Repealed 2021 c24 s4(70).

(1.1) The returning officer, in consultation with the Chief Electoral Officer,

(a) shall establish at least one voting place for the returning officer's electoral division to enable electors to vote in advance at an election, which shall be open from 9 a.m. to 8 p.m. on each of the Tuesday, Wednesday, Thursday, Friday and Saturday of the full week preceding election day, and

(b) may establish additional voting places for advance voting.

(1.2) A returning officer who establishes additional voting places in accordance with subsection (1.1), in consultation with the Chief Electoral Officer, shall fix the hours on any one or more days fixed for advance voting when the voting places will operate.

(1.3) A returning officer shall ensure that all advance voting places meet safety, security and other standards established by the Chief Electoral Officer for voting places.

(2) The Chief Electoral Officer shall ensure that the distance that an elector would have to travel to attend at an advance voting place is no greater than 100 km, unless the cost to do so in any particular situation would be unreasonable in the circumstances.

(2.1) Where an advance voting place has been established, the Chief Electoral Officer may decide that any elector may attend to vote at that advance voting place.

(2.2) If the Chief Electoral Officer has decided that any elector may attend to vote at an advance voting place, an elector attending to vote at that advance voting place shall be provided with the ballot for the electoral division of the elector's ordinary residence.

(2.3) An elector at an advance voting place may only vote for a candidate that is a candidate in the electoral division where the elector is ordinarily resident.

(3) Repealed 2021 c24 s4(70).

(4) The provisions respecting the conduct of an election on election day and related matters apply, with all necessary modifications, to advance voting.

(5) After the opening of a voting place for advance voting, each election officer appointed to the voting place shall take all reasonable precautions to ensure that no other persons have access to the ballot box.

(6) Each day at the close of the voting place for advance voting the ballot box

- (a) shall be sealed and initialed by an election officer assigned to maintain the security of ballot boxes and at least one other election officer, and
- (b) may be sealed by any candidate, official agent or scrutineer so desiring,

so that it cannot be opened and no ballots can be deposited without breaking those seals.

(6.1) If electronic documents are used for the purposes of advance voting, each day after the close of a voting place for advance voting, a copy of a record of electors who voted that day shall be made in printed and electronic form.

(6.2) A copy of the record referred to under subsection (6.1) shall be provided to registered political parties or registered candidates on request.

(6.3) The record referred to in subsection (6.1) may include each elector's permanent unique identifier number assigned to the elector by the Chief Electoral Officer and any other information the Chief Electoral Officer considers appropriate.

(7) Sealing material applied to a ballot box shall not be broken from the time it is applied until the close of the voting places on election day, except as may be necessary at the opening of the voting place for advance voting on the Wednesday, Thursday, Friday and Saturday to permit the deposit of ballots.

(8) At the close of the voting place for advance voting on the final day the election officer designated by the returning officer shall, after the seal has been applied pursuant to subsection (6), take charge of and safely keep the ballot box until the close of voting on election day or return the ballot box to the returning officer as directed by the returning officer.

RSA 2000 cE-1 s98;2004 c23 s50;2010 c8 s33;2012 c5 s38;
2017 c29 s59;2017 c29 s59;2021 c24 s4(70)

99 Repealed 2021 c24 s4(71).

Voting at a voting station

100(1) An elector may vote at a voting station if the requirements in section 100.1, 100.2, 100.3, 100.4 or 100.5 have been met.

(2) For the purposes of sections 100.1, 100.2, 100.3, 100.4 and 100.5, "identification" means

- (a) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and the elector's name and current address, or
- (b) 2 pieces of identification authorized by the Chief Electoral Officer, each of which establishes the elector's name and at least one of which establishes the elector's current address.

(3) The Chief Electoral Officer shall publish each year, and within 3 days after the issue of a writ, in a manner that the Chief Electoral Officer considers appropriate, a notice setting out the types of identification that are authorized for the purpose of subsection (2)(b).

RSA 2000 cE-1 s100;2004 c23 s51;2010 c8 s35;
2021 c24 s4(72)

Elector with matching identification and address

100.1 Where

- (a) the name of an elector appears on the voting record for the voting area,
- (b) the elector provides identification, and
- (c) the name and address on the identification match the name and address on the voting record for the voting area,

an election officer assigned to maintain the voting record shall strike the elector's name off the voting record.

2021 c24 s4(73)

Elector with identification but address does not match voting record

100.2 Where

- (a) the name of an elector appears on the voting record for the voting area,
- (b) the elector provides identification and the address on the identification does not match the address on the voting record for the voting area, and
- (c) the elector confirms the elector's identity and current residential address by signing a declaration,

an election officer assigned to maintain the voting record shall record the change of address in the voting record and enter in the voting record in the appropriate place a check mark or other annotation indicating that the elector has signed a declaration.

2021 c24 s4(73)

Elector on the voting record but without identification**100.3(1)** Where

- (a) the name of an elector appears on the voting record for the voting area,
 - (b) the elector does not provide identification,
 - (c) the elector is accompanied by another elector whose name appears on the voting record for the same voting area and that other elector
 - (i) is eligible to vouch for the elector,
 - (ii) provides their identification to an election officer assigned to administer voting, and
 - (iii) vouches for the elector by signing a declaration,
- and
- (d) the elector confirms the elector's identity and current residence by signing a declaration,

an election officer assigned to maintain the voting record shall strike the elector's name off the voting record.

(2) After receiving signed declarations under subsection (1)(c) and (d), an election officer assigned to maintain the voting record shall enter in the voting record in the appropriate place a check mark or other annotation indicating that the elector signed a declaration and was vouched for.

2021 c24 s4(73)

Elector with identification but not on voting record**100.4** Where

- (a) the name of an elector does not appear on the voting record for the voting area in which the elector is ordinarily resident,
- (b) the elector provides identification to confirm the elector's identity and current residential address, and
- (c) the elector signs a declaration before an election officer assigned to administer voting stating that the elector qualifies as an elector and ordinarily resides in the voting area,

an election officer assigned to maintain the voting record shall enter the elector's name and current address in the voting record

and enter in the voting record in the appropriate place a check mark or other annotation indicating that the elector signed a declaration.

2021 c24 s4(73)

Elector without identification not on voting record

100.5 Where

- (a) the name of an elector does not appear on the voting record for the voting area in which the elector is ordinarily resident,
 - (b) the elector does not provide identification,
 - (c) the elector is accompanied by another elector whose name appears on the voting record for the same voting area and that other elector
 - (i) is eligible to vouch for the elector,
 - (ii) provides their own identification to an election officer assigned to administer voting, and
 - (iii) vouches for the elector by signing a declaration,
- and
- (d) the elector confirms the elector's identity and current address by signing a declaration,

an election officer assigned to maintain the voting record shall enter the elector's name and current address in the voting record and enter in the voting record in the appropriate place a check mark or other annotation indicating that the elector signed a declaration and was vouched for.

2021 c24 s4(73)

Declarations and vouching

100.6(1) An election officer taking a declaration under section 100.2, 100.3, 100.4 or 100.5 shall indicate on the declaration the nature of the identification accepted and that, in the case of section 100.3 or 100.5, the elector was vouched for by another elector in the same voting area.

(2) An elector who has been vouched for at an election may not vouch for another elector at that election.

(3) A scrutineer may not vouch for an elector.

2021 c24 s4(73)

Provision of ballot

100.7(1) An election officer assigned to administer voting shall provide to each elector recorded in the voting record a pre-folded

ballot containing the election officer's initials in the prescribed place on its back so that when the ballot is folded the initials can be seen without unfolding it.

(2) On the issuance of a ballot to the elector, an election officer assigned to maintain the voting record shall mark the elector as having voted in the voting record.

2021 c24 s4(73)

Voting procedure

101(1) An election officer assigned to administer voting shall, without inquiring or ascertaining for whom the voter intends to vote, instruct the voter to

- (a) proceed to one of the voting booths and there, with the marker provided, mark his or her ballot by placing an "X" in the white space opposite the name of the candidate of his or her choice,
- (b) refold the ballot so that the initials, electoral division and year of the election on the back of the ballot can be seen without unfolding it, and
- (c) hand the folded ballot to an election officer assigned to assist electors in depositing their ballots in ballot boxes.

(2) The election officer shall, without unfolding the ballot and in full view of the voter and all present, ascertain by examining the initials that it is a ballot issued by an election officer assigned to administer voting and return the ballot to the voter so the voter may place the ballot in the ballot box.

(3) Notwithstanding subsection (2), on being requested by the voter, the election officer shall place the ballot in the ballot box.

RSA 2000 cE-1 s101;2010 c8 s36;2017 c29 s61;
2021 c24 s4(74)

Spoiled ballot

102(1) If a voter has dealt with the voter's ballot in a manner that may render its use inappropriate, the voter may surrender the ballot to the election officer who issued the ballot to the voter under section 100.7 and on surrendering it obtain a new ballot.

(2) The election officer, on receiving the ballot under subsection (1), shall immediately write the word "spoiled" on the ballot and place it in the required envelope to be sent to the returning officer, and the election officer shall annotate the voting record accordingly.

RSA 2000 cE-1 s102;2010 c8 s37;2012 c5 s39;
2021 c24 s4(75)

103 Repealed 2021 c24 s4(76).

Elector's declaration

104(1) An election officer assigned to administer voting shall administer the declaration in the prescribed form to a person if

- (a) the election officer doubts the eligibility of that person to vote, or
- (b) the election officer is requested to do so by a scrutineer and the election officer is of the opinion that the request is made in good faith.

(2) Repealed 2021 c24 s4(77).

(3) If a voter

- (a) has signed a declaration for the purpose of voting, or
- (b) has refused to sign a declaration that the voter is required to complete for the purpose of voting,

an election officer assigned to maintain the voting record shall annotate the voting record accordingly.

(4) A person who refuses to sign the declaration when required to do so

- (a) shall not be provided with a ballot or permitted to vote,
- (b) forfeits the person's right to vote in the election, and
- (c) shall forthwith leave the voting place.

(5) An elector who has signed a declaration under section 100.2, 100.3, 100.4 or 100.5 is not required to sign a declaration under this section.

RSA 2000 cE-1 s104;2004 c23 s53;2010 c8 s39;2012 c5 s40;
2021 c24 s4(77)

Prohibited conduct during voting

105(1) No person may

- (a) interfere or attempt to interfere with a voter who is attempting to mark the voter's ballot,
- (b) on a day that voting is to occur at a voting place, attempt to obtain any information at the voting place or within 100 metres of the building used for the voting place regarding which candidate a voter has voted for, is voting for or is about to vote for, or

(c) prevent or attempt to prevent a person from exercising the person's right to vote.

(2) No person may communicate any information obtained at a voting place regarding which candidate a voter has voted for, is voting for or is about to vote for.

RSA 2000 cE-1 s105;2021 c24 s4(78)

Secrecy of vote

106(1) While a voter is in a voting booth for the purpose of marking the voter's ballot, no other person may, except as permitted in section 96, enter the voting booth or be in a position from which the person can see for whom the voter marks the voter's ballot.

(2) No person may directly or indirectly induce or attempt to induce a voter to show the voter's ballot after the voter has marked it so as to allow the name of the candidate for whom the voter has voted to be known.

(3) Except as provided in section 96, a voter shall not show the voter's ballot, after the voter has marked it, to any person so as to allow the name of the candidate for whom the voter voted to be known.

(4) A voter shall

(a) vote without unnecessary delay, and

(b) leave the voting place as soon as the voter's ballot has been placed in the ballot box.

RSA 2000 cE-1 s106;2021 c24 s4(79)

Taking ballot out of voting place

107(1) A person who receives a ballot shall not take it out of the voting place.

(2) If a person contravenes subsection (1), an election officer assigned to maintain the voting record shall make an entry in the voting record in the appropriate column to the effect that the person received a ballot but took it out of the voting place.

(3) A person who contravenes subsection (1) forfeits the right to vote in the election.

RSA 2000 cE-1 s107;2010 c8 s40;2021 c24 s4(80)

Declining to vote

107.1(1) If a person returns the person's ballot indicating that the person does not wish to mark the ballot, the election officer who issued the ballot to the voter under section 100.7 shall immediately

write the word “declined” on the ballot and place it in the required envelope to be sent to the returning officer.

(2) A person who returns a ballot under subsection (1)

- (a) forfeits the right to vote in the election, and
- (b) shall forthwith leave the voting place.

(3) Repealed 2021 c24 s4(81).

2010 c8 s40;2012 c5 s41;2021 c24 s4(81)

Alleged impersonation of an elector

108(1) If a person representing that person to be an elector applies for a ballot after another person has voted in the name of that elector, the person is entitled to receive a ballot and to vote after taking the prescribed oath and establishing the person’s identity to the satisfaction of an election officer assigned to administer voting.

(2) The name of the voter shall be entered in the voting record and a note shall be made stating the fact that the voter voted after taking the oath, any objection made, and the name of any candidate on whose behalf an objection was made.

RSA 2000 cE-1 s108;2021 c24 s4(82)

Person deemed to have voted

109 A person who has caused the person’s ballot to be placed in the ballot box is deemed to have voted.

RSA 1980 cE-2 s106

One vote only

110 An elector shall have one vote only.

RSA 1980 cE-2 s107

Procedure on close of voting on election day

111(1) After the closing of each voting place on election day, each election officer assigned to administer voting shall immediately count the number of spoiled and declined ballots and record the total on the outside of the envelope containing those ballots.

(2) The election officer shall count

- (a) the number of electors whose names appear on the voting record, and
- (b) the number of voters recorded in the voting record as having voted,

and shall draw a line immediately under the last name in the voting record and affix the election officer’s initials.

(3) Once subsections (1) and (2) are complied with, at least 2 election officers assigned to perform counts, or assist in counts, of ballots, in the presence of those candidates, official agents and scrutineers entitled to be present, shall open each ballot box and proceed with a count of the votes, using the designated tally sheets.

(3.1) In completing the count of the votes for each ballot box, one of the election officers shall be responsible for the count and the other election officer shall be responsible for entering the count on the tally sheets.

(4) The election officer who is responsible for entering the count on the tally sheets shall provide to any person present who wishes to keep a tally a sufficient number of tally sheets.

(5) A ballot cast at a voting station shall only be counted if it clearly indicates the voter's intention to vote for one particular candidate.

(5.1) A ballot cast as a Special Ballot shall only be counted if it clearly indicates the voter's intention to vote for one particular candidate or one particular registered political party.

(5.2) A ballot shall not be counted if it

- (a) does not have on its back the name of the electoral division and year of the election,
 - (b) contains a vote for a candidate who has withdrawn,
 - (c) in the case of a Special Ballot,
 - (i) does not have copies of the prescribed identification document or documents included in the outer envelope, or
 - (ii) is treated as a rejected ballot under section 118(5)(b),
- or
- (d) contains any writing or mark enabling the voter to be readily identified.

(6) An election officer shall not decline to count a ballot solely for the reason of any writing, number or mark made or omitted by the election officer.

(7) Repealed 2017 c29 s62.

(8) The election officer responsible for entering the count on the tally sheets shall make a note in the voting record of every

objection to a ballot and the name of any candidate on whose behalf an objection was made.

(9) Each objection shall be numbered and a corresponding number placed on the back of the ballot that is the subject of the objection and initialled by the election officer responsible for the count.

(10) The election officer responsible for the count shall decide any question arising out of an objection.

(11) Only the following persons may be present during the unofficial count of ballots and then only if they have taken the prescribed oath of secrecy and are present in the voting place at the close of the voting:

- (a) the returning officer;
- (a.1) repealed 2012 c5 s42;
- (b) any election officer authorized by the returning officer;
- (c) repealed 2012 c5 s42;
- (d) the Chief Electoral Officer, members of the Chief Electoral Officer's office staff designated by the Chief Electoral Officer, visiting officials from other electoral jurisdictions and other persons authorized by the Chief Electoral Officer;
- (e) the candidates;
- (f) the official agents of the candidates;
- (g) one scrutineer per candidate for each voting station.
RSA 2000 cE-1 s111;2004 c23 s54;2010 c8 s41;
2012 c5 s42;2017 c29 s62;2021 c24 s4(83)

Procedure on conclusion of unofficial count

112 The election officer responsible for the count shall, at the conclusion of the count,

- (a) complete as many Statements of Vote as necessary to comply with clauses (c), (h)(iv) and (j), each of which shall be signed by the election officers that completed the count of votes and any person present who wishes to sign the Statements of Vote,
- (b) immediately communicate the unofficial results in accordance with the directions of the returning officer,

- (c) provide one copy of the Statement of Vote to each candidate or to the candidate's official agent or scrutineer present,
- (d) administer the prescribed oath to any election officer involved in the count,
- (e) place the ballots for each candidate in the envelopes provided for that purpose and mark on the outside of each envelope the name of the candidate whose ballots are contained in it,
- (f) place the envelopes containing the ballots in one large envelope that the election officer responsible for the count shall then seal and endorse with an indication of its contents, and any scrutineer present may, if the scrutineer so wishes, write the scrutineer's signature across the envelope and its flap,
- (g) place the rejected ballots and the unused ballots in separate envelopes each of which the election officer responsible for the count shall then seal and endorse with an indication of its contents, and any scrutineer present may, if the scrutineer so wishes, write the scrutineer's signature across the envelope and its flap,
- (h) ensure that
 - (i) repealed 2021 c24 s4(84);
 - (ii) all envelopes containing ballots,
 - (iii) the voting record,
 - (iv) the original copy of the Statement of Vote, and
 - (v) all other documents relating to the operation of the voting place,are placed in the ballot box that the election officer responsible for the count shall immediately seal,
- (i) return the sealed ballot box to the returning officer in accordance with section 114, and
- (j) retain the election officer responsible for the count's copy of the Statement of Vote until the returning officer completes the official count.

RSA 2000 cE-1 s112;2004 c23 s55;2017 c29 s63;
2021 c24 s4(84)

Advance vote count

113(1) After the closing of the voting places on election day, the election officers who have been assigned to perform counts, or assist in counts, of ballots from an advance voting place shall attend at a place designated by the returning officer and then, in the presence of any of the candidates or their official agents or scrutineers who attend, shall open the ballot box and proceed to count the votes, and sections 111 and 112 apply, with all necessary modifications, to the count.

(2) The returning officer shall advise in writing each candidate or each candidate's official agent of the place where the votes from the advance voting place will be counted.

(3), (4) Repealed 2021 c24 s4(85).

RSA 2000 cE-1 s113;2004 c23 s56;2012 c5 s43;
2021 c24 s4(85)

Return of ballot box

114(1) The election officer responsible for the count is responsible for returning the ballot box to the returning officer as soon as possible after the conclusion of the unofficial count of the votes.

(2) If the election officer responsible for the count does not personally return the ballot box to the returning officer, the election officer responsible for the count shall ensure that the ballot box is returned to the returning officer by a means approved of by the returning officer.

(3), (4) Repealed 2004 c23 s57.

RSA 2000 cE-1 s114;2004 c23 s57;2021 c24 s4(86)

115 Repealed 2004 c23 s58.

Vote by Special Ballot

116(1) An elector who is unable to vote at an advance voting place or a voting place on election day on account of

- (a) physical disability,
- (b) absence from the electoral division,
- (c) being an inmate including a person sentenced to a term of imprisonment of 10 days or less or for the non-payment of fines,
- (d) being an election officer, interpreter, peace officer appointed under the *Peace Officer Act*, candidate, official agent or scrutineer who may be located on election day at

a voting place in a voting area within the electoral division other than that in which the elector is ordinarily resident;

- (e) being a resident of a remote area designated under section 52.2, or
- (f) any other circumstances prescribed by the Chief Electoral Officer,

may apply to vote by Special Ballot.

(2) An application for a Special Ballot may be made

- (a) in writing,
- (b) by telephone,
- (c) by online application or email, or
- (d) in person,

by an elector to the returning officer of the elector's electoral division or to the Chief Electoral Officer in accordance with subsection (2.1).

(2.1) An application referred to in subsection (2) may be made to the returning officer or Chief Electoral Officer

- (a) in the case of a general election held in accordance with section 38.1(2),
 - (i) no earlier than March 1 in the year in which the election is held, and
 - (ii) no later than
 - (A) if the elector applies in person or identifies a designate to receive the forms referred to in subsection (3)(b) on the elector's behalf, the close of voting on election day, and
 - (B) in any other case, 6 p.m. on the day before advance voting begins,

and

- (b) in the case of a general election held other than in accordance with section 38.1(2) or a by-election, no later than

- (i) if the elector applies in person or identifies a designate to receive the forms referred to in subsection (3)(b) on the elector's behalf, prior to the close of voting on election day;
- (ii) in any other case, 6 p.m. on the day before advance voting begins.

(3) On receipt of an application under this section, the returning officer, election clerk or person designated by the Chief Electoral Officer shall

- (a) enter in the Special Ballot voting record
 - (i) the elector's name and where the elector is ordinarily resident, and
 - (ii) the name and number of the voting area in which the elector resides,
- and
- (b) after the writ of election has been issued, cause the appropriate forms to be provided to the applicant.

(3.1) An elector may designate another person to receive the forms referred to in subsection (3)(b) on the elector's behalf.

(4) The returning officer may delegate to an election officer appointed under section 45.1 any functions of the returning officer or election clerk under this section and section 118.

RSA 2000 cE-1 s116;2004 c23 s59;2006 cP-3.5 s35;
2010 c8 s42;2017 c29 s64;2021 c24 s4(87)

Secure Special Ballot

116.1(1) An elector who believes that his or her personal safety may be at risk if the elector appears in person at a voting place or if the elector's name or address appears in a voting record may apply to vote by Secure Special Ballot.

(2) The provisions of this Act relating to the procedure of voting by Special Ballot apply to voting by Secure Special Ballot, but the Chief Electoral Officer may modify the procedure to ensure that the name and address of an applicant under this section remain secure.

2004 c23 s60;2021 c24 s4(88)

Name and address of Special Ballot voters to candidates

117 The Chief Electoral Officer shall, on request, make available to any registered political party or candidate in the electoral division or the candidate's official agent the names and addresses of the ordinary residences of those electors in the electoral division

who have applied for and been provided with the appropriate forms under section 116.

RSA 2000 cE-1 s117;2021 c24 s4(89)

Voting by Special Ballot

118(1) For the purposes of this section and section 111(5.2)(c)(i), “prescribed identification document or documents” means identification as defined in section 100(2).

(1.1) On receipt of the prescribed forms, the voter shall mark the ballot by writing, with a pen or pencil of any colour, in the space provided, the name of the candidate or the registered political party of the candidate of the voter’s choice.

(2) After marking the voter’s ballot, the voter shall

- (a) place the marked ballot in the ballot envelope,
- (b) seal the ballot envelope,
- (c), (c.1) repealed 2021 c24 s4(90),
- (d) complete and sign part 1 of the certificate,
- (e) place the ballot envelope, signed certificate and a copy of the prescribed identification document or documents in the outer envelope, and
- (f) seal the outer envelope.

(3) The outer envelope, when sealed, shall be forwarded so that it reaches the returning officer or the person designated by the Chief Electoral Officer not later than the close of the voting places on election day.

(4) On receipt of the outer envelope, the returning officer, election clerk or person designated by the Chief Electoral Officer shall determine

- (a) whether the name on the certificate is the same as that of a person already entered in the Special Ballot voting record under section 116,
- (b) whether a copy of the prescribed identification document or documents has been included, and
- (c) whether part 1 of the certificate has been properly completed.

(5) On determining that the voter is recorded in the Special Ballot voting record, that a copy of the prescribed identification document or documents has been included and that part 1 of the certificate is

completed, the returning officer, election clerk or person designated by the Chief Electoral Officer as the case may be, shall,

- (a) if the returning officer, election clerk or person designated by the Chief Electoral Officer is satisfied as to the voter's eligibility to vote,
 - (i) sign part 2 of the certificate,
 - (ii) if the voter's name appears on the list of electors for the voting area in which the voter is entitled to vote, put a line through the voter's name and enter opposite the name of that person on the list of electors the word "special",
 - (iii) if the voter's name does not appear on the list of electors for the voting area in which the voter is entitled to vote, enter the voter's name on the list of electors and put a line through the voter's name and enter opposite the name of that voter on the list of electors the word "special",
 - (iv) record in the Special Ballot voting record in the appropriate column the date the returning officer, election clerk or person designated by the Chief Electoral Officer received the outer envelope,
 - (v) remove the sealed ballot envelope from the outer envelope, remove the Special Ballot from the sealed ballot envelope and place the Special Ballot in a sealed ballot box marked "special ballot",
 - (vi) enter in the Special Ballot voting record, in the appropriate columns, a check mark or other annotation indicating that the voter has voted and the reason for using the Special Ballot, that is, physical disability, absence, inmate, election officer, peace officer, interpreter, candidate, official agent, scrutineer, remote area or another reason prescribed by the Chief Electoral Officer, and
 - (vii) retain the certificate and the copy of the identification document or documents and forward them to the Chief Electoral Officer in accordance with section 142,

or

- (b) if the returning officer, election clerk or person designated by the Chief Electoral Officer is not satisfied as to the voter's eligibility to vote,

- (i) retain the outer envelope and its contents,
- (ii) treat the ballot in the envelope as a rejected ballot,
and
- (iii) mark part 2 of the certificate accordingly.

(5.1) Despite subsection (5), if an elector appears in person to cast the elector's vote by Special Ballot, a copy of the elector's prescribed identification document or documents does not need to be retained.

(6) At the close of the voting place on election day, the returning officer shall deliver the sealed ballot box referred to in subsection (5)(a)(v) to the authorized election officers in the electoral division and advise them of the names of the electors who have voted by Special Ballot.

(6.01) Counting of Special Ballots shall proceed

- (a) in the case of ballot boxes delivered under subsection (6), in accordance with section 113 as if the ballot box were from an advance voting place,
- (b) in the case of Special Ballots in the sealed ballot box referred to in subsection (5)(a)(v) in the possession of the person designated by the Chief Electoral Officer, in the following manner:
 - (i) the authorized election officers shall, in the presence of any candidates or their official agents or scrutineers who attend, open the ballot box and proceed to count the votes;
 - (ii) sections 111 and 112 apply, with all necessary modifications, to the count.

(6.1) Any election officer appointed for the electoral division may assist with the duties under subsection (6).

(7) After completing the count of the ballots, the election officer authorized by the returning officer shall record the results on the prescribed form.

RSA 2000 cE-1 s118;2004 c23 s61;2010 c8 s43;
2012 c5 s44;2017 c29 s65;2021 c24 s4(90)

Late receipt of Special Ballot

119 If an outer envelope is received by a returning officer after the close of the voting places on election day, the ballot it contains must be considered a rejected ballot and the outer envelope must be retained unopened by the returning officer, who shall record on it the reason for its rejection.

RSA 2000 cE-1 s119;2021 c24 s4(91)

Mobile voting

120(1) Each returning officer shall, following receipt of a writ, determine if there are in the electoral division

- (a) any treatment centres having not fewer than 10 electors who are in-patients,
- (b) any supportive living facilities having not fewer than 10 electors who are residents,
- (c) any shelters, including emergency shelters, having not fewer than 10 electors who are residents, and
- (d) any community support centres having not fewer than 10 electors who are receiving support or services from that community support centre.

(2) If a returning officer determines that there are facilities as described in subsection (1), the returning officer shall,

- (a) determine, in consultation with an official of each facility, whether a mobile vote should be held at the facility,
- (b) in consultation with an official of each facility where a mobile vote is to be held,
 - (i) determine whether a mobile vote will be held on election day and, if so, fix the hours when a mobile vote will operate at the facility,
 - (ii) determine whether a mobile vote will be held on any one or more days fixed for advance voting and, if so, fix the date or dates and hours when that mobile vote will operate at the facility, and
 - (iii) determine the number of mobile voting stations to be established within the facility and the format that each mobile voting station is to take as either fixed location or bed-to-bed visitations, or both,

and

- (c) appoint 2 election officers for each voting station so required for the voting place;

(3) to (5) Repealed 2021 c24 s4(92).

RSA 2000 cE-1 s120;2004 c23 s81;2017 c29 s66;
2021 c24 s4(92)

Deemed residence

121 Electors who are acknowledged by an official of a facility referred to in section 120(1) where a mobile vote is to be held to be in-patients or residents of that facility on the date of the mobile vote are deemed to be ordinarily resident in the electoral division in which the facility is located if they have not already voted in the election.

RSA 2000 cE-1 s121;2004 c23 s81;2017 c29 s67;2021 c24 s4(93)

Presence at mobile vote

122(1) Subject to subsection (2), only the following persons may remain at a mobile voting station during voting hours:

- (a) election officers appointed to the voting station;
- (b) the returning officer and election clerk;
- (c) an interpreter;
- (d) a member of the staff of the facility;
- (e) a scrutineer for each candidate appointed to the mobile voting station.

(2) If, in the opinion of an official at a facility referred to in section 120(1), it is advisable to do so, the persons present at a mobile voting station during voting hours may be limited to the member of the staff of the facility, an interpreter and the 2 election officers appointed to the voting station.

RSA 2000 cE-1 s122;2004 c23 s81;2017 c29 s68;
2021 c24 s4(94)

Mobile voting procedure

123(1) The ballots used during mobile voting at a facility shall be the ballots being used for the election in the electoral division in which the facility is situated.

(2) An elector eligible to vote who is an in-patient of a treatment centre and considered by an official of the treatment centre to be well enough to vote

- (a) shall sign the required declaration before voting, and
- (b) may, if necessary, vote in accordance with section 96.

(3) An elector eligible to vote who is a resident of a supportive living facility

- (a) shall, if the elector's name does not appear on the list of electors, sign the required declaration before voting, and
- (b) may, if necessary, vote in accordance with section 96.

(3.1) An elector eligible to vote who is a resident of an emergency shelter or is receiving services or support from a community support centre

- (a) shall, if the elector's name does not appear on the list of electors, sign the required declaration before voting, and
- (b) may, if necessary, vote in accordance with section 96.

(4) An official of the facility, on the close of voting at the facility, shall endorse the voting record by affixing the official's signature immediately under the last name in the voting record, certifying that the persons named in the voting record are in-patients or residents in accordance with section 121.

(5) At the close of each mobile voting station, the ballot box

- (a) shall be sealed by the 2 election officers appointed to that voting station, and
- (b) may be sealed by any candidate, official agent or scrutineer so desiring,

so that it cannot be opened and no ballots can be deposited without breaking those seals.

(6) Sealing material on a ballot box shall not be removed from the time it is applied until the mobile voting station is commenced at another location or until the close of voting on election day.

(7) The election officer designated by the returning officer shall, after the seal has been applied pursuant to subsection (5), take charge of and safely keep the ballot box until the close of voting on election day or return the ballot box to the office of the returning officer, as directed by the returning officer.

RSA 2000 cE-1 s123;2004 c23 s62;2012 c5 s45;
2017 c29 s69;2021 c24 s4(95)

Mobile vote count

124(1) After the closing of the voting places on election day, the 2 election officers appointed to each mobile voting station shall attend with the ballot box at a place designated by the returning officer and then, in the presence of any of the candidates or their official agents or scrutineers who attend, shall open the ballot box and proceed to count the votes, and sections 111 and 112 apply, with all necessary modifications, to the count.

(2) The returning officer shall advise in writing each candidate or each candidate's official agent of the place where the votes from the mobile voting station will be counted.

RSA 2000 cE-1 s124;2021 c24 s4(96)

Application of Act to mobile voting

125 Every facility at which mobile voting is conducted is a voting place under this Act and all relevant provisions of this Act apply with all necessary modifications.

RSA 2000 cE-1 s125;2004 c23 s81;2017 c29 s70;
2021 c24 s4(97)

125.1 to 125.3 Repealed 2021 c24 s4(98).

List of electors for by-election

126(1) With the writ for a by-election, the Chief Electoral Officer shall transmit to the returning officer sufficient copies of the most recent lists of electors for the returning officer's electoral division.

(2) If there is in the electoral division a voting area for which a list of electors is not on record in the office of the Chief Electoral Officer, a list of electors for that voting area shall be prepared in the manner prescribed by the Chief Electoral Officer.

RSA 2000 cE-1 s126;2021 c24 s4(99)

Application of Act to by-election

127 The provisions of this Act governing general elections apply with all necessary modifications to by-elections.

RSA 1980 cE-2 s124

Plebiscite

128 The Lieutenant Governor in Council may by order give directions for the holding of a general plebiscite of electors when and as often as it appears to the Lieutenant Governor in Council expedient that an expression of opinion about the desirability of

- (a) amending existing legislation, or
- (b) introducing new legislation,

relative to any subject-matter should be obtained from the electors.

RSA 1980 cE-2 s125

List of electors for plebiscite

129 Section 126 applies to the lists or preparation of lists of electors to be used for a plebiscite.

RSA 1980 cE-2 s126

Conduct of plebiscite

130 In giving directions under section 128, the Lieutenant Governor in Council may specify

- (a) the question or questions to be submitted to the electorate,
- (b) the method of instituting the plebiscite,
- (c) the forms of ballot to be used,
- (d) the person or persons to conduct the plebiscite, and
- (e) the general conduct of the taking of the plebiscite.

RSA 1980 cE-2 s127

Application of Act to plebiscite

131 The provisions of this Act governing general elections apply with all necessary modifications to plebiscites taken under this Act except as otherwise expressly specified by order of the Lieutenant Governor in Council.

RSA 1980 cE-2 s128

Time for voting

132(1) If the work schedule of an employee who is an elector does not provide the employee with 3 consecutive hours to vote in an election or plebiscite during one of the days of advance voting or on election day, the employer shall allow the employee leave time for voting as required to provide the employee 3 consecutive hours to vote during voting hours on any of the days of voting, at the convenience of the employer.

(2) Repealed 2021 c24 s4(100).

(3) No employer may make any deduction from the pay of an employee or impose on or exact from the employee any penalty by reason of the employee's absence from employment during the leave time for voting referred to in subsection (1).

(4) Repealed 2010 c8 s44.

RSA 2000 cE-1 s132;2010 c8 s44;2021 c24 s4(100)

Right of access for campaigning

133(1) In this section and section 133.1, "multiple dwelling site" means

- (a) an apartment building, condominium building or other multiple residence building, or
- (b) any site in which more than one residence is contained, including a mobile home park, gated community and any similar site.

(2) A person who is in control of a multiple dwelling site shall permit a candidate or campaign worker who has produced identification prescribed by the Chief Electoral Officer to canvass

between 9:00 a.m. and 9:00 p.m. at each residential unit in the multiple dwelling site.

(3) A person to whom the candidate or campaign worker has produced identification referred to in subsection (2) shall not

(a) obstruct or interfere with, or

(b) cause or permit the obstruction or interference with,

the free access of a candidate or campaign worker to each residential unit in a multiple dwelling site.

RSA 2000 cE-1 s133;2004 c23 s63;2017 c29 s72

**Canvassing in a multiple dwelling site
before the campaign period**

133.1(1) For the purposes of section 133, as soon as a candidate is selected for endorsement as the official candidate of a registered party for an electoral division, the candidate and one campaign worker for that candidate are eligible to canvass in a multiple dwelling site.

(2) A campaign worker may canvass in a multiple dwelling site under this section only if the campaign worker is accompanied by the candidate.

(3) For the purposes of this section, a candidate under subsection (1) is not required to file nomination papers or pay the \$500 deposit under section 9(2)(c) of the *Election Finances and Contributions Disclosure Act*.

(4) As soon as a registered party has submitted the full name of the person selected for endorsement as the official candidate of the registered party for an electoral division to the Chief Electoral Officer under section 9.3 of the *Election Finances and Contributions Disclosure Act*, the Chief Electoral Officer shall on the request of a candidate, provide the candidate with identification stating that the candidate is the official candidate for the registered party.

(5) The candidate referred to in subsection (4) shall request identification from the Chief Electoral Officer for the campaign worker who will be canvassing with or on behalf of the candidate.

(6) This section applies as soon as a candidate is selected for endorsement as the official candidate of a registered party for an electoral division and ends at the start of a campaign period.

2017 c29 s73;2021 c24 s4(101)

Printed or electronic advertising

134(1) In this section, “advertisement” means an advertisement, for which there is or normally would be a charge, in any broadcast, print, electronic or other media, including telephone, fax, internet, email and text messaging, with the purpose of promoting or opposing any registered political party or the election of a registered candidate.

(2) A registered candidate, a registered constituency association and a registered political party must ensure that advertisements sponsored by the registered candidate, the registered constituency association or the registered political party comply with the following in accordance with the guidelines of the Chief Electoral Officer:

- (a) the advertisement must include the sponsor’s name and contact information and must indicate whether the sponsor authorizes the advertisement;
- (b) subject to clause (c), in the case of an advertisement that is broadcast or is made through electronic media, the information referred to in clause (a) must be stated at the beginning of the advertisement;
- (c) in the case of an advertisement transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,
 - (i) the telephone number of the sponsor must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed;
 - (ii) the name of the sponsor and the sponsor’s party affiliation, if any, must be stated at the beginning of the advertisement;
 - (iii) the advertisement must state whether the sponsor authorizes the advertisement;
 - (iv) the telephone number of the sponsor or the sponsor’s campaign office at which the sponsor can be contacted must be stated at the end of the advertisement.

(3) The Chief Electoral Officer shall establish guidelines respecting the requirements referred to in subsection (2).

(4) The guidelines must be published on the Chief Electoral Officer’s website.

(5) If an advertisement is not in compliance with this section, the Chief Electoral Officer may cause it to be removed or discontinued, and in the case of an advertisement displayed on a sign, poster or other similar format neither the Chief Electoral Officer nor any person acting under the Chief Electoral Officer's instructions is liable for trespass or damage resulting from or occasioned by the removal.

RSA 2000 cE-1 s134;2004 c23 s64;2010 c8 s45;2012 c5 s46;
2021 c24 s4(102)

Restrictions on government advertising

134.1(1) In this section and section 134.2,

- (a) "by-election period" means the period commencing with the issue of the writ for a by-election and ending at the end of election day;
- (b) "department" means a department established under section 2 of the *Government Organization Act*;
- (c) "election period" means the period commencing with the issue of the writ for a general election and ending at the end of election day;
- (d) "Provincial corporation" means a Provincial corporation as defined in the *Financial Administration Act*;
- (e) "referendum period" means
 - (i) in the case of a referendum under the *Referendum Act* ordered to be held in conjunction with a general election under this Act or as a stand-alone referendum on a date provided in the order, the period commencing when the order is issued and ending at the end of the date set for voting, and
 - (ii) in the case of a referendum under the *Referendum Act* ordered to be held in conjunction with a general election under the *Local Authorities Election Act*, the period commencing on the later of
 - (A) the day on which the order is issued, and
 - (B) 60 days before election day,and ending at the end of election day.

(2) During an election period, a department or a Provincial corporation shall not advertise or publish any information about its programs or activities unless the advertisement or publication

- (a) is required by law,

- (b) is required at that time
 - (i) to solicit proposals or tenders for contracts or applications for employment, or
 - (ii) because it relates to important matters of public health or safety,
- (c) is a continuation of earlier publications or advertisements and is required for ongoing programs of a department or a Provincial corporation, or
- (d) is an ordinary and routine part of the programs or activities of a department or a Provincial corporation and is not made for a partisan political purpose.

(3) During a by-election period, a department or a Provincial corporation shall not advertise or publish any information about its programs or activities that has a disproportionate impact on voters in the electoral division in which the by-election is being held unless the advertisement or publication

- (a) is required by law,
- (b) is required at that time
 - (i) to solicit proposals or tenders for contracts or applications for employment, or
 - (ii) because it relates to important matters of public health or safety,
- (c) is a continuation of earlier publications or advertisements and is required for ongoing programs of a department or a Provincial corporation,
- (c.1) is an ordinary and routine part of the programs or activities of a department or a Provincial corporation and is not made for a partisan political purpose, or
- (d) deals with a matter before the Legislative Assembly such as the Speech from the Throne, the budget, the introduction or passage of a Bill or an order or resolution of the Assembly.

(3.1) During a referendum period, a department or a Provincial corporation shall not advertise or publish any information about its programs or activities related to the subject-matter of the referendum that has a disproportionate impact on voters in the areas of Alberta in which the referendum is being held unless the advertisement or publication

- (a) is required by law,
- (b) is required at that time
 - (i) to solicit proposals or tenders for contracts or applications for employment, or
 - (ii) because it relates to important matters of public health or safety,
- (c) is a continuation of earlier publications or advertisements and is required for ongoing programs of a department or a Provincial corporation,
- (c.1) is an ordinary and routine part of the programs or activities of a department or a Provincial corporation and is not made for a partisan political purpose, or
- (d) occurs at a time when the Legislative Assembly is not dissolved and deals with a matter before the Assembly such as the Speech from the Throne, the budget, the introduction or passage of a Bill or an order or resolution of the Assembly.

(3.2) For greater certainty, subsection (3.1) does not prohibit a member of the Legislative Assembly, including a member of the Executive Council in his or her capacity as a member of the Legislative Assembly, from publicly expressing his or her views on the subject-matter of a referendum.

(4) During an election period, the name, voice or image of a candidate who was a member of the Legislative Assembly immediately before the writ of election is issued for that election shall not appear in the advertising or publication by a department or a Provincial corporation of any information about its programs or activities.

(5) During a by-election period, the name, voice or image of a candidate who was a member of the Executive Council, but not a member of the Legislative Assembly, immediately before the writ of election is issued for that by-election shall not appear in the advertising or publication by a department or a Provincial corporation of any information about its programs or activities.

2017 c29 s74;2020 c20 s10;2021 c9 s2;2021 c24 s4(103)

Complaints to Election Commissioner

134.2(1) Any person who believes that a department or Provincial corporation has contravened section 134.1 may file a complaint with the Election Commissioner.

(2) If the Election Commissioner finds that a department or Provincial corporation has contravened section 134.1, the Election Commissioner may cause the advertisement or publication to be removed or discontinued, and in the case of an advertisement or publication displayed on a sign, poster or other similar format, neither the Election Commissioner nor any person acting under the Election Commissioner's instructions is liable for trespass or damage resulting from the removal of the advertisement or publication.

(3) If the Election Commissioner takes the action referred to in subsection (2), the Chief Electoral Officer may publish the particulars of the contravention.

(4) If the Election Commissioner finds that a department or Provincial corporation has contravened section 134.1, the Chief Electoral Officer shall include the particulars of the violation in the Chief Electoral Officer's report under section 4(7).

2017 c29 s74;2019 c15 s13

No election advertising at voting place

135(1) Subject to subsection (2), no person may

- (a) display inside or on the outside of, or
- (b) distribute within,

a building used for a voting place for advance voting or on election day, or within the boundaries of the land on which the building is located, any election circular, card, poster, bill or other paper except those posted by election officials as required by this Act.

(2) When a voting place is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the office, store or facility comprising the area designated as a voting place.

(3) Where a person displays any circular, card, poster, bill or other paper contrary to subsection (1) or (2), the returning officer may cause it to be removed, and neither the returning officer nor any person acting under the returning officer's instructions is liable for trespass or damages resulting from or occasioned by the removal.

RSA 2000 cE-1 s135;2017 c29 s75;2021 c24 s4(104)

Election surveys

135.1 In this section and sections 135.11 to 135.4,

- (a) "election period" means the period commencing with the issue of the writ and ending at the end of election day;

- (b) “election survey” means an opinion survey of how electors voted or will vote at an election or respecting an issue with which a registered political party or registered candidate is associated;
- (c) “person” includes a group as defined in Part 6.1 of the *Election Finances and Contributions Disclosure Act*.
2010 c8 s46;2012 c5 s47;2021 c24 s4(105)

Conducting election surveys

135.11(1) No person or organization may, during an election period, conduct an election survey unless

- (a) the following information is provided, in accordance with the guidelines established by the Chief Electoral Officer, prior to the start of the survey:
 - (i) the name and contact information of the person or organization on whose behalf the survey is being conducted and whether the person or organization has approved the content of the survey;
 - (ii) the name and contact information of the person or organization conducting the survey if the person or organization is not the person or organization referred to in subclause (i);
- (b) in the case of an election survey transmitted to a telephone, whether in the form of a live call or automated pre-recorded call, the telephone number of the person or organization conducting the survey must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed.

(2) The Chief Electoral Officer shall establish guidelines respecting the content of the information required under subsection (1) and the manner in which the information is to be provided.

(3) The guidelines must be published on the Chief Electoral Officer’s website.

2012 c5 s48

Transmission of election survey results

135.2(1) The first person who transmits the results of an election survey, other than a survey described in section 135.3, to the public during an election period and any person who transmits them to the public within 24 hours after they are first transmitted to the public shall provide the following together with the results:

- (a) the name of the sponsor of the survey;

- (b) the name of the person or organization that conducted the survey;
- (c) the date on which or the period during which the survey was conducted;
- (d) the population from which the sample of respondents was drawn;
- (e) the number of people who were contacted to participate in the survey;
- (f) if applicable, the margin of error in respect of the data obtained.

(2) In addition to the information referred to in subsection (1), the following must be provided in the case of a transmission to the public by means other than broadcasting:

- (a) the wording of the survey questions in respect of which data was obtained, and
- (b) the means by which a report referred to in subsection (3) may be obtained.

(3) A sponsor of an election survey shall, at any time during an election period after the results of the survey are transmitted to the public, provide, on request, a copy of a written report on the results of the survey, as transmitted under subsection (1).

(4) The written report must include the following, as applicable:

- (a) the name and address of the sponsor of the survey;
- (b) the name and address of the person or organization that conducted the survey;
- (c) the date on which or the period during which the survey was conducted;
- (d) information about the method used to collect the data from which the survey results were derived, including
 - (i) the sampling method,
 - (ii) the population from which the sample was drawn,
 - (iii) the size of the initial sample,
 - (iv) the number of individuals who were asked to participate in the survey and the numbers and respective percentages of them who participated in

- the survey, refused to participate in the survey, and were ineligible to participate in the survey,
- (v) the dates and time of day of the interviews,
 - (vi) the method used to recalculate data to take into account in the survey the results of participants who expressed no opinion, were undecided or failed to respond to any or all of the survey questions, and
 - (vii) any weighting factors or normalization procedures used in deriving the results of the survey;
- (e) the wording of the survey questions and, if applicable, the margins of error in respect of the data obtained.

(5) A sponsor may charge a fee of up to \$0.25 per page for a copy of a report provided under subsection (3).

2010 c8 s46

Broadcast of surveys not based on recognized statistical methods

135.3 The first person who transmits the results of an election survey that is not based on recognized statistical methods to the public during an election period and any person who transmits them within 24 hours after they are first transmitted to the public shall indicate that the survey was not based on recognized statistical methods.

2010 c8 s46

Prohibitions re transmission of election survey results during blackout period

135.4(1) No person shall knowingly cause to be transmitted to the public, in an electoral division on election day before the close of all of the voting places in that electoral division, the results of an election survey that have not previously been transmitted to the public.

(2) No person shall transmit to the public, in an electoral division on election day before the close of all of the voting places in that electoral division, the results of an election survey that have not previously been transmitted to the public.

2010 c8 s46;2021 c24 s4(106)

Landlords and condominium corporations

135.5(1) No landlord or person acting on a landlord's behalf may prohibit a tenant from displaying election advertising posters on the premises to which the tenant's lease relates, and no condominium corporation or any of its agents may prohibit the owner or tenant of a condominium unit from displaying election advertising posters on the premises of his or her unit.

(2) For the purposes of subsection (1), “premises” includes land or a window, door, balcony or other structure of which the owner or tenant enjoys exclusive use in connection with his or her unit.

(3) Notwithstanding subsection (1), a landlord, person, condominium corporation or agent referred to in that subsection may set reasonable conditions relating to the size or type of election advertising posters that may be displayed under subsection (1) and may prohibit the display of election advertising posters in common areas, other than areas that form part of the premises of the tenant or owner.

2010 c8 s46;2012 c5 s49

Part 4

Post-Election-Day Procedures

Facilities for official count

136 The returning officer for each electoral division shall provide adequate facilities for receiving and conducting the official count of the ballots received from all the election officers of the returning officer’s electoral division.

RSA 2000 cE-1 s136;2010 c8 s47;2021 c24 s4(108)

Conduct of official count

137(1) The returning officer shall give written notice to each candidate or each candidate’s official agent of the place, date and time of commencement of the official count.

(2) No person may be allowed in the room where an official count is being conducted except

- (a) the returning officer and election clerk, and any other election officers authorized by the returning officer to assist with the counting of the ballots,
- (b) repealed 2021 c24 s4(109),
- (c) the candidates for the electoral division, their official agents or electors of the electoral division appointed in writing by the candidates, or all of them, and
- (d) the Chief Electoral Officer or a designate or both.

(3) In conducting the official count, the returning officer, with the assistance of the election clerk and any other election officers authorized by the returning officer to assist with the counting of the ballots, shall open each ballot box and remove the Statement of Vote and the envelopes containing the ballots.

(3.1) If the difference between the votes for the candidate with the highest number of votes and the candidate with the next highest

number of votes is 100 or less, the returning officer shall conduct a full official count by

- (a) checking the Statement of Vote;
- (b) making a note in the voting record of every objection to a ballot made by or on behalf of a candidate and the name of any candidate by or on whose behalf an objection was made,
- (c) numbering each objection to a ballot in the voting record, placing a corresponding number on the back of the ballot and initialling the back of the ballot,
- (d) deciding any questions arising out of an objection regardless of whether a decision was made by the election officer responsible for the count in the first instance,
- (e) inspecting all rejected ballots and deciding on the validity of each ballot regardless of the previous rejection by the election officer responsible for the count,
- (f) supervising election officers in conducting the official count of the valid votes,
- (g) supervising election officers in reconciling the number of spoiled and declined ballots, and
- (h) completing an official count of the valid votes.

(3.2) If the difference between the votes for the candidate with the highest number of votes and the candidate with the next highest number of votes is 101 or more, the returning officer shall conduct an official count by

- (a) checking the Statement of Vote,
- (b) deciding any questions arising out of an objection regardless of whether a decision was made by the election officer responsible for the count in the first instance,
- (c) inspecting all rejected ballots and deciding on the validity of each ballot regardless of the previous rejection by the election officer responsible for the count, and
- (d) reviewing such records and inspecting such ballots as necessary to satisfy the returning officer that the returning officer may sign the Statement of Official Results and Certificate and Return.

(4) The decision of the returning officer under subsection (3.1)(d) or (e) or (3.2)(b) or (c) is final, subject only to a judicial recount under this Part.

(5) On completion of the full official count of the votes under subsection (3.1), or on being satisfied that they may sign the Statement of Official Results and Certificate and Return under subsection (3.2), the returning officer shall provide to each candidate or each candidate's official agent a Certificate and Return in the prescribed form indicating

- (a) the number of votes counted for each candidate,
- (b) unless clause (c) applies, the name of the candidate to be declared elected pursuant to section 138, and
- (c) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, that the results of the election will be subject to a judicial recount under this Part.

(6) On complying with subsection (5), the returning officer shall prepare the prescribed Statement of Official Results and submit it to the Chief Electoral Officer.

(7) Repealed 2021 c24 s4(109).

RSA 2000 cE-1 s137;2004 c23 s65;2010 c8 s47;
2012 c5 s50;2017 c29 s76;2021 c24 s4(109)

Announcement of official results

138(1) The returning officer shall

- (a) declare elected the candidate who received the largest number of votes, or
- (b) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, declare that the results of the election are subject to a judicial recount under this Part.

(2) After the returning officer declares the candidate elected under subsection (1), the Chief Electoral Officer shall announce the results of the official count.

RSA 2000 cE-1 s138;2010 c8 s47;2017 c29 s77

Disclaimer

139(1) A candidate who has been declared elected under section 138(1) may disclaim the candidate's right to become a Member of the Legislative Assembly by filing a disclaimer in the prescribed form with the Chief Electoral Officer at any time after the candidate is declared elected under this Part and before the

candidate would otherwise become a member of the Assembly by reason of section 1(2) of the *Legislative Assembly Act*.

(2) A candidate who files a disclaimer pursuant to subsection (1) shall deliver a copy of it forthwith to the returning officer and to the Clerk of the Legislative Assembly.

(3) Subject to subsection (4), if a disclaimer is filed pursuant to subsection (1), the election in which that candidate was declared elected is void, section 32 of the *Legislative Assembly Act* applies and a by-election shall be held for that electoral division.

(4) The filing of a disclaimer under subsection (1) does not affect any application under section 144 or appeal under section 148 by another candidate or the right of that other candidate to be declared elected if that other candidate's application or appeal is successful.

RSA 2000 cE-1 s139;2010 c8 s47;2021 c24 s4(110)

Delay in announcement of official results

140(1) If in any electoral division not all the ballot boxes have reached the returning officer by the date stated in the election proclamation for announcing the results of the official count, the returning officer shall on that date adjourn the proceedings for a period of not more than one week and subsequently may adjourn for further periods of not more than one week at a time.

(2) Notwithstanding subsection (1), the announcement of the results shall not be delayed under subsection (1) beyond 30 days from the date stated in the election proclamation.

(3) If after a delay of 30 days the ballot boxes are not recovered, the returning officer shall forthwith declare the results of the official count without considering the missing ballots.

(4) If a returning officer is unable for any reason other than the one referred to in subsection (1) to declare the results of the official count at the date and time stated in the election proclamation, the returning officer shall adjourn the proceedings from time to time as may be required.

(5) Notwithstanding subsection (4), the announcement of the results of the official count shall not be delayed under subsection (4) beyond 14 days from the date stated in the election proclamation.

(6) After the returning officer declares the results of the official count, the Chief Electoral Officer shall announce the results of the official count.

RSA 2000 cE-1 s140;2010 c8 s47;2021 c24 s4(111)

Handling of documents after official count

141(1) After the official count of the votes has been completed and the Statement of Official Results has been completed, the returning officer shall prepare the following for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions:

- (a) the lists of electors;
- (b) the various envelopes containing the ballots;
- (c) the voting records;
- (d) the election proclamation;
- (e) the writ;
- (f) the Statement of Official Results;
- (g) the Certificate and Return;
- (h) repealed 2012 c5 s51;
- (i) any other documents requested by the Chief Electoral Officer.

(2) Repealed 2021 c24 s4(112).

(3) Repealed 2017 c29 s78.

(4) The returning officer shall prepare a report concerning the election proceedings in the returning officer's electoral division, including the returning officer's recommendations regarding those proceedings as prescribed by the Chief Electoral Officer, within a time period determined by the Chief Electoral Officer.

RSA 2000 cE-1 s141;2004 c23 s66;2010 c8 s47;
2012 c5 s51;2017 c29 s78;2021 c24 s4(112)

Transmission of election materials to Chief Electoral Officer

142(1) Within 10 days after announcing the results of the official count, the returning officer shall transmit the documents specified in section 141(1) to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions.

(2) Notwithstanding subsection (1), if prior to transmitting the documents under subsection (1) the returning officer is served with notice pursuant to section 144(6), the returning officer shall retain the documents until the returning officer receives the certificate of the judge under section 147, and on receiving the certificate the returning officer shall forthwith transmit the documents to the Chief Electoral Officer.

(3) All other documents and materials, used and unused, relating to the election shall be prepared for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions.

(4) Immediately after preparing the election documents and materials for return, each returning officer shall complete the prescribed affidavit and forward it to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions.

RSA 2000 cE-1 s142;2010 c8 s47

Compelling returning officer to perform duties

143(1) If a returning officer does not, as and when required, or if no time is stated, does not within a reasonable time,

- (a) complete the official count,
- (b) declare elected the candidate who received the largest number of votes or, if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, declare that the results of the election are subject to a judicial recount under this Part, or
- (c) transmit the returning officer's Statement of Official Results to the Chief Electoral Officer,

a candidate for the relevant electoral division or any elector who voted in the relevant electoral division may apply to the Court for an order in the nature of mandamus requiring the returning officer to perform the duty not carried out.

(2) Notice of the application under subsection (1) shall be served on the returning officer, the Chief Electoral Officer and each person who was a candidate in the election in the relevant electoral division.

(3) Nothing in this section derogates from any other right or remedy available at law to the applicant.

RSA 2000 cE-1 s143;2010 c8 s47

Judicial recount

144(1) An application may be made to the Court in accordance with this section for a judicial recount of some or all of the votes for an election.

(2) Except as provided in subsection (5), an application may only be made on one or both of the following bases:

- (a) that votes were not correctly accepted or ballots were not correctly rejected;

- (b) that a Certificate and Return does not accurately record the number of votes for a candidate.
- (3) An application must be filed not later than 8 days after the date the Chief Electoral Officer announces the results of the official count under section 138 and on the filing of the application, the clerk of the Court shall set the date of the recount not later than the 10th day after the filing of the application.
- (4) The application may only be filed
 - (a) by a candidate or the candidate's official agent, or
 - (b) by a returning officer in the case of a declaration made under section 138(1)(b).
- (5) The returning officer shall make an application under this section if a declaration has been made under section 138(1)(b).
- (6) At least 4 days' notice of the time and place appointed for the recount shall be given by the applicant
 - (a) to the candidates, in the manner prescribed in section 68,
 - (b) to the returning officer, if the returning officer is not the applicant, and the election clerk, and
 - (c) to the Chief Electoral Officer.
- (7) A candidate served with notice under subsection (6) respecting a recount that is limited to a recount of votes that have been rejected or in respect of which there has been an objection may, not later than the 2nd day following service of the notice, make application for any further recount as if the application had been made within the original 8-day period.

RSA 2000 cE-1 s144;2010 c8 s47;2017 c29 s79;
2021 c24 s4(113)

Persons to attend recount

- 145(1)** The returning officer and election clerk shall
- (a) attend at the time and place appointed for the recount, and
 - (b) bring all ballot boxes and documents required for the purpose of disposing of the matter.
- (2) The ballot boxes and documents remain the responsibility of the returning officer, and the returning officer shall retain them in the returning officer's custody, subject to the directions of the presiding judge.

(3) At any recount of votes, the returning officer and election clerk shall be present and the following shall be given notice and may be present:

- (a) each candidate and each candidate's official agent, or either of them, or in their absence 2 electors of the relevant electoral division designated by the candidate;
- (b) the Chief Electoral Officer or a designate or both;
- (c) the legal representatives of the parties;
- (d) election officers appointed by the Chief Electoral Officer to assist with the recount.

(4) No person other than those specified in subsection (3) may attend at the recount of votes without the permission of the presiding judge.

RSA 2000 cE-1 s145;2004 c23 s67;2010 c8 s47;
2014 c13 s24;2017 c29 s80;2021 c24 s4(114)

Conduct of recount

146(1) At the time and place appointed and in the presence of the persons entitled or required to attend, the judge shall conduct the recount.

(2) If consented to by the applicant or applicants for the recount, the returning officer and the candidates present at the recount, the judge may limit the ballots to be considered to those for which the recount was requested.

(3) In his or her discretion, the judge may consider other ballots and open other envelopes in addition to those for which the recount was requested, and for this purpose may require the returning officer to bring other ballot boxes.

(4) The judge may hear any oral evidence the parties wish to adduce.

(5) In the case of a recount of all the votes, the judge shall open all the envelopes containing

- (a) the votes counted, and
- (b) the rejected ballots.

(c), (d) repealed 2021 c24 s4(115).

(6) Notwithstanding subsection (5), the judge shall not open the outer envelope containing a Special Ballot if the envelope was received by the returning officer or the person designated by the

Chief Electoral Officer after the closing of the voting places on election day.

(7) Repealed 2017 c29 s81.

(8) During the periods when the recount is not being actually conducted, the judge shall place the ballots and other related documents in a closed container under the judge's seal and the seals of any others present who so desire, and shall cause to be taken all other security precautions the judge considers necessary.

(9) The judge shall conduct a recount according to the provisions governing an official count by a returning officer and shall verify and, if necessary, amend the Statement of Official Results.

(9.1) The judge may direct that election officers be appointed by the Chief Electoral Officer to assist with the recount.

(10) When a recount is completed, the judge shall seal all the ballots in their respective envelopes and shall seal the Statements of Votes in suitably marked envelopes.

(11) On the request of any party to the proceedings, the judge shall number any disputed ballots on their backs and seal them in a separate envelope.

RSA 2000 cE-1 s146;2010 c8 s47;2017 c29 s81;
2021 c24 s4(115)

Results of recount

147(1) On conclusion of a recount, the judge shall immediately certify the result to the returning officer, who shall, on the 3rd day after the certification submit the results to the Chief Electoral Officer and,

- (a) declare elected the candidate found to have received the largest number of votes, unless the Chief Electoral Officer and the returning officer are served with a notice of appeal under section 148(1), or
- (b) declare that the results of the election are subject to an appeal under section 148
 - (i) if the returning officer is served with a notice of appeal under section 148(1), or
 - (ii) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates.

(2) After the returning officer declares the candidate elected under subsection (1), the Chief Electoral Officer shall announce the results of the recount.

- (3) The judge shall retain the ballots for 3 days after certifying the result under subsection (1) and
- (a) if there is an appeal under section 148, forward the ballots to the Court of Appeal, or
 - (b) if there is no appeal under section 148, return the ballots to the Chief Electoral Officer.

RSA 2000 cE-1 s147;2010 c8 s47;2017 c29 s82

Appeal to Court of Appeal

148(1) Any party may appeal to the Court of Appeal from the decision of a judge of the Court of King's Bench respecting a recount under section 146 by serving the judge, the parties and the Chief Electoral Officer and returning officer with a notice of appeal not later than the 2nd day following the judge's certification of the result.

- (2) The returning officer shall appeal if, after the results of a recount referred to in section 147, a candidate cannot be declared elected because there is an equality of votes for 2 or more candidates.
- (3) A notice of appeal may limit the appeal to specified ballots.
- (4) If an appeal is limited to specified ballots, the judge shall
- (a) seal in a packet the ballots so specified, and
 - (b) immediately forward the packet and the certified results to the Registrar of the Court of Appeal.
- (5) If an appeal is not limited to specified ballots, the judge shall immediately forward all ballots and relevant documentation to the Registrar of the Court of Appeal.
- (6) On receipt of the ballots and documents, the Registrar of the Court of Appeal shall set the matter down for hearing not later than the 10th day after the receipt, and shall notify the parties and the Chief Electoral Officer and returning officer accordingly.
- (7) At the conclusion of the appeal, the Court of Appeal shall declare the results of the election in accordance with its recount and shall issue to the returning officer a certificate of those results.
- (8) On receipt of the certificate of results under subsection (7), the returning officer shall
- (a) declare elected the candidate found to have received the largest number of votes, or

- (b) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, declare that no member was elected for the electoral division.

(9) After the returning officer declares the candidate elected under subsection (8)(a), the Chief Electoral Officer shall announce the results of the recount.

(10) No later than 60 days after the Court of Appeal declares the results of the election under subsection (7), the Court of Appeal shall return the ballots to the Chief Electoral Officer.

RSA 2000 cE-1 s148;2010 c8 s47;2017 c29 s83;AR 217/2022

Costs

148.1(1) If a recount is conducted or an appeal is heard under this Part, the court may direct

- (a) that the parties bear their own costs, or
- (b) that costs be paid to one or more of the parties by any or all of the following:
- (i) the applicant;
 - (ii) one or more of the candidates;
 - (iii) the Crown in right of Alberta.

(2) Costs must be determined in accordance with the *Alberta Rules of Court* and the practice and procedure of the Court of King's Bench or the Court of Appeal, as the case may be.

2010 c8 s47;AR 217/2022

By-election if tie vote

149(1) This section applies if a returning officer makes a declaration under section 148(8)(b) that no member has been declared elected because there is an equality of votes for 2 or more candidates.

(2) As soon as possible after a declaration has been made under section 148(8)(b) that no member has been declared elected for the electoral division because there is an equality of votes for 2 or more candidates, the Chief Electoral Officer shall present a report to the Clerk of the Legislative Assembly that there is a vacancy for that electoral division, in which case section 32 of the *Legislative Assembly Act* applies and a by-election shall be held for that electoral division.

2010 c8 s47;2021 c24 s4(116)

Publication of election results

150(1) On receiving a Certificate and Return respecting the election of a member to serve in the Legislative Assembly, the Chief Electoral Officer shall cause notice of the receipt of the Certificate and Return and the name of the candidate elected to be published in The Alberta Gazette.

(2) The Chief Electoral Officer shall provide a copy of each Certificate and Return respecting the election of a member to serve in the Legislative Assembly to

- (a) the Speaker of the Legislative Assembly, and
- (b) the Clerk of the Assembly,

and where a judicial recount or an appeal has been commenced under section 144 or 148, the Chief Electoral Officer shall notify the Speaker of the Legislative Assembly and the Clerk of the Assembly of that recount or appeal and the results of that recount or appeal.

RSA 2000 cE-1 s149;2004 c23 s68;2010 c8 s47

Post-election custody of election documents

151(1) Subject to this Act, the Chief Electoral Officer shall retain the documents and information transmitted to the Chief Electoral Officer pursuant to sections 142(1) and 148(9).

(2) The Chief Electoral Officer shall retain the documents and information for at least

- (a) 3 months after receiving them from the returning officer, or
- (b) in the case of a judicial recount or an appeal, 3 months after the final determination of the recount or appeal,

after which the retained documents and information shall be destroyed.

RSA 2000 cE-1 s150;2004 c23 s69;2010 c8 s47;2017 c29 s84

Inspection of election documents

152(1) A registered candidate and the registered candidate's official agent, or either of them, may for a period of 30 days after the publication in The Alberta Gazette of the name of the registered candidate declared elected in the relevant electoral division, inspect any election documents, except ballots, retained by the Chief Electoral Officer and pertaining to the election in that electoral division.

(2) If within the 30-day period described in subsection (1) a registered candidate in an electoral division, a registered

candidate's official agent or a registered political party that has a registered candidate in the electoral division makes a written request to the Chief Electoral Officer for a copy of the voting records for the relevant electoral division, the Chief Electoral Officer shall, on payment of the cost to produce the copy as determined by the Chief Electoral Officer, furnish the copy to the registered candidate, registered official agent or registered political party.

(3) Information contained in documents referred to in subsections (1) and (2) may be used only for electoral purposes.

(3.1) A registered candidate, a registered candidate's official agent or a registered political party to whom a copy of a voting record has been furnished under this section shall take all reasonable steps to protect the voting record and the information contained in it from loss and unauthorized use.

(3.2) A registered candidate, a registered candidate's official agent or a registered political party to whom a copy of a voting record has been furnished under this section shall immediately notify the Chief Electoral Officer if the voting record or the information contained in the voting record has been lost.

(3.3) On being notified under subsection (3.2), the Chief Electoral Officer shall direct the registered candidate, the registered candidate's official agent or the registered political party to take any action the Chief Electoral Officer considers appropriate.

(4) Subject to subsection (1), no person may inspect any election documents retained by the Chief Electoral Officer pertaining to the election in that electoral division except by order of a judge.

(4.1) A person applying for an order under subsection (4) must provide the Chief Electoral Officer with 10-days' notice of the application.

(4.2) The Chief Electoral Officer shall have a right to make representations to the Court with respect to the application.

(5) A judge may make an order under subsection (4) if the judge is satisfied on oral or affidavit evidence that inspection of the election documents is required for the purpose of

- (a) a prosecution for an offence under this Act, or
- (b) a petition questioning an election or return.

(6) An order under this section may be made subject to any conditions regarding the inspection that the judge considers appropriate.

RSA 2000 cE-1 s152;2010 c8 s47;2012 c5 s52;2017 c29 s84;
2021 c24 s4(117)

Provincial Archives

153 Notwithstanding sections 151 and 152, after each election, the Chief Electoral Officer shall deposit the writ and the Statement of Official Results for each electoral division with the Provincial Archives of Alberta.

RSA 2000 cE-1 s153;2010 c8 s47

Part 4.1 Investigations

Division 1 Election Commissioner

153.01 and **153.02** Repealed 2019 c15 s13.

Oath of office

153.03(1) Before beginning the duties of office, the Election Commissioner shall take an oath to perform the duties of the office faithfully and impartially and, except as provided in this Act, the *Alberta Senate Election Act*, the *Citizen Initiative Act*, the *Election Finances and Contributions Disclosure Act* or the *Recall Act*, not to disclose any information received by the Election Commissioner under this or any other Act.

(2) The oath referred to in subsection (1) shall be administered by the Chief Electoral Officer.

2017 c29 s86;2019 c15 s1;2021 c24 s4(118)

153.04 to **153.08** Repealed 2019 c15 s13.

Division 2 Duties and Powers of Election Commissioner

Duties and powers of the Election Commissioner

153.09(1) The Election Commissioner may, on the Election Commissioner's own initiative or at the request of the Chief Electoral Officer or another person or organization, conduct an investigation into any matter that might constitute an offence under this Act.

(2) For the purpose of conducting an investigation under this Act, the Election Commissioner has all the powers of a commissioner

under the Public Inquiries Act as though the investigation were an inquiry under that Act.

(3) For the purpose of conducting an investigation under this Act, a representative of the Election Commissioner, on production of the representative's authorization from the Election Commissioner, may at any reasonable time enter any premises referred to in the authorization in which records of a registered political party, registered constituency association or registered candidate relevant to the subject-matter of the investigation are kept and may examine and make copies of the records or remove them temporarily for the purpose of making copies.

(4) Before entering a private dwelling or a part of premises used as a private dwelling to carry out the powers described in subsection (3), a representative of the Election Commissioner shall

- (a) obtain the consent of the occupant or the legal representative of the occupant of the private dwelling or the part of the premises used as a private dwelling, or
- (b) obtain an order from the Court.

(5) A registered political party, registered constituency association or registered candidate shall, within 30 days after receiving a written request from the Election Commissioner or within an extended period that the Election Commissioner may determine, provide any information with respect to the affairs of the registered political party, registered constituency association or registered candidate that is reasonably required by the Election Commissioner in the course of the Election Commissioner's duties under this Act.

2017 c29 s86;2021 c24 s4(119)

Notice of investigation and conclusion

153.091(1) At any time before completing an investigation referred to in section 153.09(1), the Election Commissioner shall notify any person or organization who is the subject of an investigation that the person or organization is being investigated and the nature of the matter being investigated before completing the investigation, unless the Election Commissioner believes that notification would compromise or impede the investigation.

(2) The Election Commissioner may refuse to conduct an investigation if the Election Commission is of the opinion that

- (a) the matter is frivolous or vexatious, or
- (b) there are no grounds to warrant an investigation.

(3) The Election Commissioner shall not make an adverse finding against a person or organization unless that person or organization

has had reasonable notice of the substance of the allegations and a reasonable opportunity to make submissions and present evidence to the Election Commissioner.

(4) When the Election Commissioner refuses to conduct an investigation under subsection (2), the Election Commissioner shall provide notice of that decision to every person or organization who requested the investigation, if any.

(5) When an investigation under subsection (1) is completed, the Election Commissioner

(a) shall provide notice of the Election Commissioner's decision to

(i) every person or organization who is the subject of the investigation, and

(ii) every person or organization who requested an investigation,

and

(b) may provide, as the Election Commissioner considers appropriate, notice of the decision to any other person or organization involved in a matter referred to in section 153.09(1).

2017 c29 s86;2021 c24 s4(120)

Annual report

153.092(1) The Election Commissioner shall after the end of each year prepare a report on the exercise of the Election Commissioner's functions under this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and shall provide the report to the Chief Electoral Officer.

(2) The annual report must set out the following in respect of the previous year:

(a) the number of complaints and allegations received by the Chief Electoral Officer or the Election Commissioner and, with respect to each complaint or allegation,

(i) the nature of the complaint or allegation, and

(ii) if and how the complaint or allegation was resolved;

(b) the number of investigations commenced pursuant to this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta*

Senate Election Act and, with respect to each investigation,

- (i) the nature of the act or omission giving rise to the investigation,
 - (ii) the outcome of the investigation, including any findings and decisions of the Election Commissioner, and
 - (iii) if the Election Commissioner recommends a prosecution be instituted, the outcome of the prosecution, including any fine imposed;
- (c) the number of compliance agreements entered into pursuant to this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and, with respect to each compliance agreement, the nature of the act or omission giving rise to the compliance agreement;
 - (d) the number of injunctions sought by the Election Commissioner under this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and, with respect to each injunction, the nature of the act or omission giving rise to the injunction;
 - (e) the number of administrative penalties imposed or letters of reprimand issued under this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and, with respect to each administrative penalty or letter of reprimand, the nature of the act or omission giving rise to the administrative penalty or letter of reprimand;
 - (f) any recommendations for improvement that the Election Commissioner considers appropriate;
 - (g) any other matters that the Election Commissioner considers appropriate.

(3) Where, in the opinion of the Chief Electoral Officer, it is in the public interest to do so, the Chief Electoral Officer shall publish a special report on the Chief Electoral Officer's website relating to any matter within the scope of the Election Commissioner's responsibilities under this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* or the *Alberta Senate Election Act*, including a report referring to and commenting on any particular matter investigated by the Election Commissioner.

2017 c29 s86;2018 c23 s57;2019 c15 s13

Transitional provisions

153.093(1) The Office of the Election Commissioner is dissolved.

(2) On the coming into force of subsection (1), the following applies:

- (a) the property, assets, rights, obligations, liabilities, powers, duties and functions of the Office of the Election Commissioner become the property, assets, rights, obligations, liabilities, powers, duties and functions of the Office of the Chief Electoral Officer;
- (b) the records in the custody or under the control of the Office of the Election Commissioner are transferred to the custody and control of the Office of the Chief Electoral Officer;
- (c) an existing cause of action, claim or liability to prosecution of, by or against the Office of the Election Commissioner is unaffected by the coming into force of this section and may be continued by or against the Office of the Chief Electoral Officer;
- (d) a civil, criminal or administrative action or proceeding pending by or against the Office of the Election Commissioner may be continued by or against the Office of the Chief Electoral Officer;
- (e) a ruling, order or judgment in favour of or against the Office of the Election Commissioner may be enforced by or against the Office of the Chief Electoral Officer;
- (f) the responsibility for an investigation commenced by the Election Commissioner under section 153.09 of this Act or section 44.95 of the *Election Finances and Contributions Disclosure Act* before the coming into force of this section is transferred to the person who holds the position of Election Commissioner, who may continue the investigation.

(3) Subsection (2)(a) does not give rise to a termination right, remedy or penalty under the provisions of a contract, agreement, grant or endowment to which the Office of the Election Commissioner is a party immediately before the coming into force of this section, and such contracts, agreements, grants or endowments continue to have full effect as contracts, agreements, grants or endowments of the Office of the Chief Electoral Officer.

(4) For greater certainty, subsection (2)(a) applies to all rights and obligations in respect of assets held in trust by the Office of the Election Commissioner.

(5) Any employment contract between the Legislative Assembly of Alberta and the person who, immediately before the coming into force of this section, held the office of Election Commissioner under this Act is terminated on the coming into force of this section.

(6) The person who, immediately before the coming into force of this section, held the office of Election Commissioner under this Act may be appointed by the Chief Electoral Officer as the Election Commissioner pursuant to the *Public Service Act*.

(7) If the person who, immediately before the coming into force of this section, held the office of Election Commissioner under this Act is not appointed as the Election Commissioner pursuant to the *Public Service Act*, the person shall be provided 6 months' base salary as compensation for termination of the employment contract referred to in subsection (5).

(8) Every person who, immediately before the coming into force of this section, was employed by the Office of the Election Commissioner is deemed, on the coming into force of this section, to be an employee of the Office of the Chief Electoral Officer.

(9) Any unexpended balance of the appropriation for the Office of the Election Commissioner for the 2019-2020 fiscal year under a supply vote, as defined in the *Financial Administration Act*, is transferred to the Office of the Chief Electoral Officer on the later of the day on which the supply vote has effect and the day on which this section comes into force.

(10) Neither the enactment or application of this section nor changes to the compensation that is payable to any person as a result of any provision of this section shall be considered constructive dismissal or breach of contract.

(11) No cause of action or proceeding lies or shall be commenced against the Crown or any of its ministers, agents, appointees or employees, or against the Legislative Assembly, the Speaker of the Legislative Assembly, the Legislative Assembly Office or the Chief Electoral Officer or any of its agents, appointees or employees

- (a) as a direct or indirect result of the enactment of this section, or
- (b) as a direct or indirect result of anything done or omitted to be done in order to comply with this section, including any denial or reduction of compensation that would otherwise have been payable to any person.

(12) Without limiting the generality of subsection (11), that subsection applies to an action or proceeding in contract, restitution, tort, trust, fiduciary obligation or otherwise claiming any remedy or relief, including

- (a) specific performance, injunction or declaratory relief, and
- (b) any form of damages or a claim to be compensated for any losses, including loss of earnings, loss of revenue or loss of profit.

(13) Notwithstanding any other law, no person is entitled to be compensated for any loss or damages, including loss of expected earnings or denial or reduction of compensation that would otherwise have been payable to any person, arising from the enactment or application of this section or anything done in accordance with this section.

(14) The Office of the Chief Electoral Officer shall disclose a statement of remuneration under section 3 of the *Public Sector Compensation Transparency Act* for the Office of the Election Commissioner in relation to the entire calendar year in which this section comes into force, notwithstanding that the Office of the Election Commissioner was dissolved during that calendar year.

(15) If the disclosure is made under subsection (14), the obligation under section 3(5.1) of the *Public Sector Compensation Transparency Act* does not apply.

2019 c15 s13

Part 5 Administrative Penalties and Offences

Administrative penalties

153.1(1) After completing an investigation referred to in section 153.09(1), if the Election Commissioner is of the opinion that a person has contravened a provision of this Act, the Election Commissioner may serve on the person either a notice of administrative penalty requiring the person to pay to the Crown the amount set out in the notice, or a letter of reprimand.

(2) A notice of administrative penalty must contain the following information:

- (a) the name of the person required to pay the administrative penalty;
- (b) the particulars of the contravention;

- (c) the amount of the administrative penalty and the date by which it must be paid;
- (d) a statement of the right to appeal the imposition or the amount of the administrative penalty to the Court of King's Bench.

(3) In determining the amount of an administrative penalty required to be paid or whether a letter of reprimand is to be issued, the Election Commissioner must take into account the following factors:

- (a) the severity of the contravention;
- (b) the degree of wilfulness or negligence in the contravention;
- (c) whether or not there were any mitigating factors relating to the contravention;
- (d) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (e) whether or not the person has a history of non-compliance;
- (f) whether or not the person reported the contravention on discovery of the contravention;
- (g) any other factors that, in the opinion of the Election Commissioner, are relevant.

(4) The amount of an administrative penalty that may be imposed under subsection (1) must not exceed the maximum fine that could be imposed for the corresponding offence under sections 154 to 163.

(5) A person who pays an administrative penalty in respect of a contravention shall not be charged under this Act with an offence in respect of the same contravention that is described in the notice of administrative penalty.

(6) A person who has been served with a notice of administrative penalty shall pay the amount of the administrative penalty within 30 days from the date of service of the notice.

(7) Subject to the right to appeal, where a person fails to pay the administrative penalty in accordance with a notice of administrative penalty, the Election Commissioner may file a copy of the notice of administrative penalty with the clerk of the Court of King's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

2012 c5 s54;2017 c29 s87;2021 c24 s4(121);AR 217/2022

Time limit

153.2(1) A letter of reprimand or a notice of administrative penalty may not be served more than 3 years after the date on which the alleged contravention occurs.

(2) A disclosure under section 206.1(3)(a) may be made with respect to an alleged contravention that occurred before the coming into force of this section, but may not be made with respect to an alleged contravention that occurred more than 3 years before the coming into force of this section.

2017 c29 s88

Appeal of administrative penalty

153.3(1) A person or entity who is served with a notice of administrative penalty under section 153.1 may appeal the Election Commissioner's decision.

(2) An appeal may be commenced under this section within 30 days after the date the notice of administrative penalty was served by

- (a) filing an application with the Court, and
- (b) serving a filed copy of the application on the Election Commissioner.

(3) The application must be filed with a copy of the notice of administrative penalty and state the reasons for the appeal.

(4) The Court may, on application either before or after the time referred to in subsection (2), extend that time if it considers it appropriate to do so.

(5) On hearing the appeal, the Court may confirm, rescind or vary the amount of the administrative penalty, or remit the decision back to the Election Commissioner for reconsideration.

(6) The appeal must be based on the evidence considered by the Election Commissioner as part of an investigation under section 153.09, including any submissions made or evidence presented under section 153.091(3), the notice referred to in section 153.091(3) and the notice of administrative penalty served under section 153.1(1).

(7) For greater certainty, the Election Commissioner is not required to disclose any records or information that, if disclosed, would cause the Election Commissioner to contravene section 206.1(1) with respect to a person or organization other than the person or organization on whom the notice of administrative penalty was served.

(8) Section 153.2(1) does not apply with respect to an administrative penalty served as a result of the Election Commissioner's reconsideration of a decision that was remitted back to the Election Commissioner.

2017 c29 s88;2021 c24 s4(122)

Compliance agreements

153.4(1) In this Part, "contracting party" means a person with whom the Election Commissioner enters into a compliance agreement under this Act.

(2) If the Election Commissioner believes on reasonable grounds that a person has committed, is about to commit or is likely to commit an act or omission that could constitute a contravention of this Act, except a contravention under Part 6, the Election Commissioner may enter into a compliance agreement with that person for the purpose of ensuring compliance with this Act.

(3) A compliance agreement may contain any terms and conditions that the Election Commissioner considers necessary to ensure compliance with this Act.

(4) Before entering into a compliance agreement, the Election Commissioner shall require the consent of the prospective contracting party to the publication of a notice under section 153.7.

(5) A compliance agreement may include a statement by the contracting party that the contracting party admits responsibility for the act or omission that constitutes a contravention of this Act.

(6) The fact that a compliance agreement was entered into, and any statement referred to in subsection (5), is not admissible in evidence against the contracting party in any civil or criminal proceedings.

(7) When a compliance agreement is entered into, a prosecution of the contracting party for an act or omission that led to the agreement shall not be instituted and any prosecution already instituted is suspended.

(8) The Election Commissioner and the contracting party may renegotiate the terms of the compliance agreement at the request of the Election Commissioner or contracting party at any time before it is fully executed.

2017 c29 s88;2018 c20 s7

Notice of compliance agreement

153.5(1) When, in the opinion of the Election Commissioner, the compliance agreement has been complied with, the Election Commissioner shall give a notice to that effect to the contracting party.

(2) On the giving of a notice under subsection (1), any prosecution of the contracting party that is based on the act or omission in question terminates and no further prosecution shall be instituted based on that act or omission.

2017 c29 s88

Failure to comply

153.6 If the Election Commissioner is of the opinion that a contracting party

- (a) failed to disclose all material facts when the compliance agreement was entered into, or
- (b) has failed to comply with a term of the compliance agreement,

the Election Commissioner shall give notice of the failure to the contracting party, informing the contracting party that the Election Commissioner may serve a notice of administrative penalty or a letter of reprimand under section 153.1, or may consent to a prosecution in respect of the original act or omission or, if a prosecution has been suspended by section 153.4(7), that those proceedings are no longer suspended.

2017 c29 s88

Publication of notice

153.7 The Chief Electoral Officer may publish a notice on the Election Commissioner's website that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement.

2017 c29 s88;2019 c15 s13

Application for injunction

153.8(1) If the Election Commissioner has reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to this Act, the Election Commissioner may, during an election period, after taking into account the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest, apply by originating

application to the Court for an injunction described in subsection (2).

(2) If the Court, on application by the Election Commissioner under subsection (1), is satisfied that there are reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to this Act, and that the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest justify the issuing of an injunction, the Court may issue an injunction ordering any person named in the application to do one or both of the following:

- (a) refrain from committing any act that appears to the Court to be contrary to this Act;
- (b) do any act that appears to the Court to be required by this Act.

(3) No injunction may be issued under subsection (2) unless at least 48 hours' notice is given to each person named in the application, or the urgency of the situation is such that service of notice would not be in the public interest.

2017 c29 s88

General offence

154(1) A person who contravenes this Act other than

- (a) a contravention referred to in sections 155 to 163, or
- (b) a corrupt practice referred to in Part 6,

is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(2) An offence under this Part shall be tried in The Provincial Court of Alberta under the procedure set out in the *Provincial Offences Procedure Act*.

RSA 2000 cE-1 s154;2017 c29 s89;2018 c11 s8

Contravention of compliance agreement

154.1 A contracting party who enters into a compliance agreement under this Act and

- (a) failed to disclose all material facts when the compliance agreement was entered into, or
- (b) fails to comply with the compliance agreement

is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

2017 c29 s90

Refusal by election officer to carry out duties

155 A person who, having been appointed an election officer and having taken the election officer's oath of office, neglects or refuses to perform any duty to be performed by that election officer is guilty of an offence and liable to a fine of not more than

- (a) \$5000 or to imprisonment for a term of not more than one year or to both fine and imprisonment, in the case of a returning officer, and
- (b) \$2000 or to imprisonment for a term of not more than one year or to both fine and imprisonment, in the case of any other election officer.

RSA 2000 cE-1 s155;2017 c29 s91

156 Repealed 2004 c23 s71.

Impersonation

157(1) A person who is not an enumerator and who represents that the person is an enumerator or displays any identification purporting to be an enumerator's identification documents is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(2) A person who is not an election officer and who represents that the person is an election officer is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(3) A person who is not a candidate and who represents that the person is a candidate is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(4) A person who is not a campaign worker of a candidate and who represents that the person is a campaign worker of a candidate is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

RSA 2000 cE-1 s157;2004 c23 s72;2017 c29 s92

Interference with right of access

158 A person who contravenes section 29(3) or 133(3) is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

RSA 2000 cE-1 s158;2004 c23 s73;2017 c29 s93

Interference with posted documents

159 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any proclamation, notice or other document required to be posted under this Act is guilty of an offence and liable

- (a) if the person is an election officer, to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment, and
- (b) in any other case, to a fine of not more than \$2000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

RSA 2000 cE-1 s159;2017 c29 s94

False statements about candidate

160 A person who, before or during an election and for the purpose of affecting the voting for a candidate at that election, makes or publishes any false statement in relation to the character or conduct of that candidate or of the withdrawal of that candidate, is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

RSA 2000 cE-1 s160;2004 c23 s74;2017 c29 s95

Improper appointment of election officer

161 A person who

- (a) procures or attempts to procure an appointment as an election officer by false pretence, deceit or other improper means,
 - (a.1) procures or attempts to procure an appointment as an election officer when the person knows or ought to know that he or she is ineligible to be appointed or to act as an election officer, or
- (b) acts as an election officer without lawful authority,

is guilty of an offence and liable on summary conviction to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

RSA 2000 cE-1 s161;2004 c23 s75;2017 c29 s96

Entertaining

162(1) A person who, because an elector has voted or is about to vote, or for the purpose of influencing an elector to vote for or against a particular candidate or registered political party, causes or permits any

- (a) food or beverages, or
- (b) money, ticket, voucher or order for the procurement of food or beverages,

to be provided to an elector is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(2) The provision of food or beverages

- (a) by or at the expense of a person to a meeting of electors at the person's usual place of residence, if that residence is a private home,
- (b) to a meeting of electors, if the food or beverages are paid for by those electors, or
- (c) by or on behalf of a candidate
 - (i) to the candidate's campaign workers or to any person acting as a scrutineer on behalf of the candidate, or
 - (ii) to persons who attend at the candidate's campaign headquarters,

is deemed not to be a contravention of subsection (1).

RSA 2000 cE-1 s162;2017 c29 s97

Offence re use of information

163 Any person who

- (a) uses any information obtained from the register for a purpose other than that referred to in section 13(1) or 13.2(1) or (2),
- (b) uses any information provided to, or obtained by, the Chief Electoral Officer under section 13(2) other than for the purpose of creating or revising the register,
- (c) uses any information obtained under section 30 other than for the purpose of the enumeration, or
- (d) contravenes section 19.1 or 20,

is guilty of an offence and liable to a fine of not more than \$100 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

RSA 2000 cE-1 s163;2012 c5 s55;2017 c29 s98

Consent to prosecute

163.1(1) No prosecution shall be instituted under this Act without the consent of the Election Commissioner.

(2) A prosecution under this Act may be commenced within 3 years of the commission of the alleged offence but not afterwards.

2004 c23 s76;2010 c8 s48;2017 c29 s99;2019 c15 s13;
2021 c24 s4(123)

Part 6 Corrupt Practices

Improper practices

164 A person commits a corrupt practice who wilfully

- (a) alters, defaces or destroys a ballot or the initials of the deputy returning officer on a ballot,
- (b) without authority supplies a ballot to any person,
- (c) places in a ballot box a paper other than the ballot that the person is authorized by law to place in it,
- (d) delivers to an election officer any paper other than the ballot given to the person by an election officer, to be placed in the ballot box,
- (e) takes a ballot out of the voting place,
- (f) without authority destroys, takes, opens or damages a ballot box or book or packet of ballots or a ballot in use or used for the purposes of an election,
- (g) being an election officer, puts the election officer's initials on the back of any paper that is not but purports to be, or is capable of being used as, a ballot at an election,
- (h) prints a ballot when not authorized under this Act to do so,
- (i) prints a document that purports to be, or is capable of being used as, a ballot at an election, or

- (j) being authorized by the returning officer to print the ballots for an election, with fraudulent intent prints more ballots than the person is authorized to print.

RSA 2000 cE-1 s164;2021 c24 s4(124)

Tampering with equipment

164.1 A person commits a corrupt practice who wilfully interferes, or attempts to interfere, in any way with any equipment used to record votes, to count votes or to record who has voted in an election.

2017 c29 s100

False statements re list of electors

165 A person commits a corrupt practice who wilfully makes a false statement for the purpose of inducing an enumerator or a returning officer

- (a) to omit the name of any person entitled to have the person's name entered on the list of electors, or
- (b) to insert or retain on the list of electors the name of any person who is not entitled to have the person's name so inserted or retained.

RSA 1980 cE-2 s161

Interference with voting secrecy

166 A person commits a corrupt practice who,

- (a) being entitled to remain in a voting place during voting hours or to be present during counting of the ballots, fails to maintain or aid in maintaining the secrecy of the voting, or
- (b) contravenes section 105 or 106(2) or (3).

RSA 2000 cE-1 s166;2021 c24 s4(125)

Fraudulent voting

167 A person commits a corrupt practice who

- (a) votes or attempts to vote when the person knows or ought to know that the person is not qualified to vote,
- (b) signs a false declaration under section 100.2, 100.3, 100.4, 100.5 or 104 or takes a false oath,
- (c) induces or procures, attempts to induce or procure, or aids and abets any other person to vote or attempt to vote, when the person knows or ought to know that the other person is not qualified to vote.

RSA 2000 cE-1 s167;2010 c8 s49;2021 c24 s4(126)

Falsification of documents

168 An election officer or other person

- (a) whose duty it is to deliver voting records or lists of electors, or
- (b) who has the custody of a certified list of electors,

who in any way wilfully falsifies the certified list, list of electors or voting record, commits a corrupt practice.

RSA 2000 cE-1 s168;2004 c23 s77;2021 c24 s4(127)

Wilful falsification of ballot count

169 An election officer who intentionally miscounts the ballots or in any other manner falsifies a count commits a corrupt practice.

RSA 2000 cE-1 s169;2004 c23 s78

Betting

170 A person who, for the purpose of influencing an election, makes a bet on

- (a) the result of the election or a portion of it, or
- (b) any event or contingency relating to the election

commits a corrupt practice.

RSA 1980 cE-2 s166

Provision of time to vote

171 An employer who directly or indirectly

- (a) refuses to allow, or
- (b) by intimidation, undue influence or in any other manner interferes with the allowance of,

an employee to have the period of absence for voting required under section 132 commits a corrupt practice.

RSA 1980 cE-2 s167

Improper inducement

172(1) A person commits a corrupt practice who, either personally or by any other person on the person's behalf, in order to induce an elector to vote or not to vote or to vote for or not to vote for a particular candidate

- (a) offers, gives, lends or promises to offer, give or lend or promises to procure or attempts to procure any money or other valuable consideration to or for the elector or any person on behalf of the elector or to or for any other person,

- (b) gives, procures or promises to give or procure or attempts to procure any office, position or employment to or for the elector or any other person, or
- (c) does any act referred to in clause (a) or (b) in order to reward any person for having voted or not having voted.

(2) A person commits a corrupt practice who, either personally or by any other person on the person's behalf, solicits from any candidate or official agent

- (a) a gift or loan of any money or other valuable consideration,
- (b) a promise to give or lend money or other valuable consideration,
- (c) any office, position or employment, or
- (d) a promise to give or procure any office, position or employment,

as a reward for agreeing to vote or not to vote, voting or not voting, agreeing to vote for a particular candidate or procuring or attempting to procure the election of the candidate.

(3) A person commits a corrupt practice who does one or more of the following:

- (a) procures, promises to procure or attempts to procure the election of any candidate on, or as a result of, any act referred to in subsection (1);
- (b) causes any money to be advanced or paid to any person with the intent that all or any portion of the money be expended on any corrupt practice;
- (c) knowingly causes any money to be paid in settlement or repayment of money expended in whole or in part on any corrupt practice;
- (d) before or during an election either personally or by any other person on the person's behalf, receives, agrees to receive or contracts for
 - (i) any money or other valuable consideration, whether by gift or loan, or
 - (ii) any office, position or employment,

to or for the person or any other person because of or as a reward for voting or not voting, or for agreeing to vote or not to vote;

- (e) after an election, either personally or by any other person on the person's behalf, receives any money or other valuable consideration because of and as a reward for
 - (i) having voted or not having voted at an election, or
 - (ii) having induced any other person to vote or not vote at an election;
- (f) in order to induce a person
 - (i) to allow the person to be nominated as a candidate,
 - (ii) to refuse to allow the person to be nominated as a candidate, or
 - (iii) to withdraw the person's nomination as a candidate,

gives or procures, agrees to give or procure or attempts to procure any office, position or employment for any person, or gives, lends or promises to give or lend money or other valuable consideration to any person.

RSA 1980 cE-2 s168;2021 c24 s4(128)

Wilful damage to voting record

173 A person who wilfully causes a voting record to be damaged, destroyed or obliterated commits a corrupt practice.

RSA 2000 cE-1 s173;2021 c24 s4(129)

Multiple voting

174 A person commits a corrupt practice who

- (a) applies at an election for a ballot in the name of another person, whether living or dead, or of a fictitious person,
- (b) having already voted, applies at the same election for a ballot in the person's own name, or
- (c) votes more than once at the same election.

RSA 1980 cE-2 s170

Undue influence

175(1) A person commits a corrupt practice who,

- (a) either personally or by any other person on the person's behalf,
 - (i) uses or threatens to use force or restraint,

- (ii) inflicts or threatens to inflict harm or loss, or
- (iii) in any manner practises intimidation,
 - on or against an elector in order to induce or compel the elector to vote or not to vote, or on account of the elector having voted or not having voted, or
- (b) by abduction, duress or any false or fraudulent pretence or device
 - (i) prevents or interferes with the free exercise of the franchise of an elector, or
 - (ii) induces or prevails on an elector to vote or refrain from voting.

(2) It is a false pretence within the meaning of this section to represent to an elector directly or indirectly that the ballot to be used or the mode of voting at an election is not secret.

RSA 1980 cE-2 s171

Election Finances and Contributions Disclosure Act

176 A person who contravenes section 45, 46 or 47 of the *Election Finances and Contributions Disclosure Act* commits a corrupt practice.

1992 c12 s43

Corrupt practice offence

177(1) A person who commits a corrupt practice is guilty of an offence and liable to a fine of not more than \$50 000 or to imprisonment for not more than 2 years or to both fine and imprisonment.

(2) An offence under this Part shall be tried in the Court of King's Bench under the procedure set out in the *Provincial Offences Procedure Act*.

RSA 2000 cE-1 s177;2017 c29 s101;AR 217/2022

Corrupt practice by candidate

178(1) If the Court finds that an elected candidate is guilty of a corrupt practice or that a corrupt practice was committed with the knowledge and consent of the elected candidate, the Court shall declare the election in which the candidate was elected void.

(2) If the Court finds that a candidate, other than the elected candidate, is guilty of a corrupt practice or that a corrupt practice was committed with the knowledge and consent of the candidate, the Court shall send a report of its findings to the Chief Electoral Officer and the Election Commissioner and, subject to subsection

(3), may declare the election in which the candidate was nominated void.

(3) The Court may confirm the election of a candidate in relation to which the Court finds that a corrupt practice was committed by another candidate if the Court is satisfied that

- (a) the elected candidate did not also commit a corrupt practice,
- (b) the corrupt practice of the other candidate was not committed with the knowledge and consent of the elected candidate, and
- (c) the corrupt practice of the other candidate did not materially affect the results of the election.

(4) During the 8 years immediately following the date on which the Chief Electoral Officer and the Election Commissioner receive the report of the Court under subsection (1) or (2), the candidate who is the subject of the report is, subject to subsection (5), prohibited from

- (a) being nominated as a candidate under this Act,
- (b) being elected to any public office under any other Act,
- (c) being entered on any list of electors,
- (d) being registered as an elector,
- (e) voting at an election, and
- (f) holding any office at the nomination of the Crown.

(5) If the Court finds that

- (a) a corrupt practice was committed by a candidate, or by any other person with the knowledge and consent of a candidate,
- (b) the corrupt practice was committed without any corrupt intent and in ignorance that was excusable in the circumstances, and
- (c) the candidate honestly desired and attempted as far as reasonably possible to have the election conducted according to law,

the Court shall make an order declaring that the prohibitions referred to in subsection (4) do not apply to the candidate.

RSA 2000 cE-1 s178;2010 c8 s50;2017 c29 s102

Corrupt practice by candidate's official agent

179(1) If the Court finds that a candidate's official agent is guilty of committing a corrupt practice, the Court shall send a report of its findings to the Chief Electoral Officer and the Election Commissioner and, subject to subsection (2), shall declare the election void.

(2) The Court shall not make an order declaring that the election of a candidate is void by reason of the corrupt practice of an official agent if the Court is satisfied that

- (a) the candidate did not commit a corrupt practice,
- (b) the corrupt practice was not committed with the knowledge and consent of the official agent's candidate, and
- (c) the corrupt practice of the official agent did not materially affect the results of the election.

RSA 2000 cE-1 s179;2010 c8 s50;2017 c29 s103

Submission of report

180 On receiving the report of the Court pursuant to section 178(2) or 179(1) or 181(1), the Chief Electoral Officer shall send a copy of the report to the Lieutenant Governor in Council.

RSA 2000 cE-1 s180;2010 c8 s51

Corrupt practice by non-candidate

181(1) Subject to subsection (2), if a person other than a candidate is found guilty of committing a corrupt practice, the Court shall send a report of its findings to the Chief Electoral Officer and that person is, during the 8 years immediately following the date on which the Chief Electoral Officer receives the report of the Court, subject to the same prohibitions to which a candidate is liable under section 178(4).

(2) If the Court finds that the corrupt practice committed by a person referred to in subsection (1)

- (a) was done without any corrupt intent and in an ignorance that was excusable in the circumstances,
- (b) was a mere technical contravention of this Part, or
- (c) was an unintentional contravention of this Part,

the Court shall make an order declaring that the prohibitions referred to in section 178(2) do not apply to that person.

RSA 2000 cE-1 s181;2010 c8 s52

Payments not constituting corrupt practice

182(1) The following payments made by a candidate do not constitute a corrupt practice or an improper payment:

- (a) reasonable rent or hire of halls or other places used by a candidate personally to address public meetings of electors, and the expenses incurred in
 - (i) providing equipment or services to be used in respect of the meeting, and
 - (ii) heating, lighting and cleaning the premises rented;
- (b) reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each public meeting to be addressed by the candidate if the speaker accompanies the candidate and travels with the candidate for the purpose of so speaking;
- (d) reasonable and ordinary charges for the hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral division and reasonable and ordinary charges for the services and maintenance of a person operating the conveyance.

(2) The onus is on the candidate to show that the campaign expenses paid by the candidate under subsection (1) were fair, reasonable and proper and not in excess of what is ordinarily paid for similar facilities, services and goods.

(3) The contracting for or the receipt of ordinary and reasonable charges

- (a) by the owner or possessor of a hall or other place in which to hold bona fide public meetings for purposes related to the election,
- (b) by a printer for printing lists of electors, election addresses or advertisements or notices of election meetings, or
- (c) by any person for the hire of transportation used in connection with and for the proper purposes of the election,

is lawful and does not disqualify the owner, printer or other person from voting.

RSA 1980 cE-2 s176

Effect of previous corrupt practices

183(1) If an election is void due to one or more corrupt practices being committed and a 2nd election is held, the 2nd election is a new election and is not to be considered void by reason of corrupt practices committed at the former election except for those corrupt practices that were

- (a) the personal acts of the candidate, or
- (b) the personal acts of the candidate's official agent done with the candidate's knowledge and consent.

(2) Notwithstanding subsection (1), the new election is not to be considered void for corrupt practices by the candidate at the former election if the corrupt practices were not proved at a trial and so adjudged by the Court so as to make applicable the prohibitions specified in section 178.

RSA 2000 cE-1 s183;2004 c23 s79

Prohibitions based on perjured evidence

184 If a person is subject to the prohibitions under section 178 or 181 and a witness on the basis of whose testimony the prohibitions arose is convicted of perjury in respect of that testimony, the Court of Appeal on

- (a) the application of the person subject to the prohibitions, and
- (b) being satisfied that the prohibitions arose by reason of the perjury,

may order the prohibitions to cease.

RSA 2000 cE-1 s184;2014 c13 s24

Part 7

Controverted Elections

Filing of petition

185(1) A petition may be filed with the Court in accordance with this Part to void an election by reason of the undue return or undue election of a candidate as the member of the Legislative Assembly for an electoral division.

(2) The petition

- (a) may be filed only by
 - (i) a candidate defeated in the election, or
 - (ii) a person who on election day was qualified to vote at the election,

- (b) except as provided in clause (c), shall be filed with the Court within 30 days after the date of the issue of The Alberta Gazette containing the notice published pursuant to section 150, and
- (c) may be filed with the Court at any time during the continuation of the Legislative Assembly of which the elected candidate is a member, if the grounds for the petition relate only to the eligibility of the respondent as a candidate at the time of the filing of the candidate's nomination paper.

RSA 2000 cE-1 s185;2017 c29 s104;2021 c24 s4(130)

Petition

186(1) The petition

- (a) shall be in the prescribed form;
- (b) shall within the time prescribed by section 185 be filed at the judicial centre located in the electoral division or, if there is none, at the judicial centre closest to the electoral division;
- (c) shall contain the following statements:
 - (i) the right of the petitioner to petition;
 - (ii) the holding and result of the election in general terms;
 - (iii) in a brief form the facts and grounds relied on to sustain the prayer;
- (d) shall conclude with a prayer that the election be declared void and set aside.

(2) No person, other than the candidate whose election is challenged, shall be named as a respondent in the petition.

RSA 2000 cE-1 s186;2011 c14 s6;2021 c24 s4(131)

Security for costs

187 The petitioner shall at the time the petitioner files the petition deposit with the clerk the sum of \$1000 as security for the respondent's costs of and incidental to the petition and the proceedings under the petition.

RSA 2000 cE-1 s187;2004 c23 s80

Service of petition

188(1) A copy of the petition shall, within 20 days after being filed, be served on the respondent and the Chief Electoral Officer

and the Election Commissioner, and service of the copy of the petition may be effected

- (a) in the way that service of a statement of claim in an ordinary civil action in the Court is effected, or
- (b) in the manner provided by section 68.

(2) On the Court being satisfied by affidavit either before or after the time limited by subsection (1) for the service of a copy of the petition

- (a) that every reasonable effort has been made to effect service, and
- (b) that service has not been effected,

it may ex parte extend the time for effecting service for a period not exceeding 10 days and so on from time to time until service has been effected, or the Court may make an ex parte order for substitutional service of the petition.

RSA 2000 cE-1 s188;2012 c5 s56;2017 c29 s105

Address for service

189(1) The petitioner shall endorse on the petition an address for service, which shall not be more than 5 kilometres from the clerk's office, at which all summonses, notices, demands and other papers in the proceedings may be served on the petitioner, and in default of the petitioner doing so the summonses, notices, demands and other papers in the proceedings may be served on the petitioner by being filed with the clerk.

(2) The respondent shall, within 10 days after being served with the petition, file with the clerk a notice in writing specifying an address for service, which shall not be more than 5 kilometres from the clerk's office, at which all summonses, notices, demands and other papers in the proceedings may be served on the respondent, and in default of the respondent doing so the summonses, notices, demands and other papers may be served on the respondent by being filed with the clerk.

RSA 1980 cE-2 s183

Application to set aside petition

190 The respondent may, at any time within 20 days after the service on the respondent of the petition, apply to the Court to set the petition aside on any of the following grounds:

- (a) that the petitioner is not qualified to file a petition;
- (b) that the petition was not filed within the prescribed time;

- (c) that the deposit has not been made as provided in section 187;
- (d) that the petition does not on its face disclose sufficient grounds or facts to have the election declared void;
- (e) that service of a copy of the petition has not been made on the respondent as prescribed by this Part,

and the Court, if satisfied that the application is well founded, may order the petition to be set aside or, if it is not so satisfied, the Court may dismiss the application.

RSA 1980 cE-2 s184;1983 cL-10.1 s54

Application by respondent for further particulars

191(1) Evidence need not be stated in the petition, but the respondent may

- (a) within 20 days after service on the respondent of the petition, unless the respondent applies to set aside the petition, and
- (b) if the respondent applies to set aside the petition, within 5 days after the application is disposed of if the application is dismissed,

apply to the Court for particulars or for further and better particulars of the facts and grounds relied on to sustain the prayer of the petition.

(2) On hearing an application under subsection (1), the Court

- (a) may direct any particulars that may be necessary to prevent surprise and to ensure a fair and effectual trial,
- (b) may prescribe the time within which the particulars must be delivered, and
- (c) may direct that in case the particulars are not delivered as prescribed, the petitioner will not be at liberty to give any evidence at the trial with respect to facts and grounds of which particulars are ordered and not delivered.

RSA 1980 cE-2 s187

Time and place of trial

192(1) At any time after the petition is at issue the petitioner may apply to the Court to appoint a time and place for the trial of the petition, and the Court, on being satisfied that the petition is at issue, shall appoint a time and place for trial.

(2) A petition is at issue when all other orders on applications under sections 190 and 191 have been made, whether granting or refusing the applications, or if no applications have been made when the time for making those applications has expired.

RSA 1980 cE-2 s189

Application to dismiss petition

193 If the petitioner does not within one month after the petition is at issue apply to the Court to appoint a time and place for the trial of the petition, the respondent may apply to the Court to dismiss the petition, and the Court may either dismiss the petition or appoint a time and place for the trial of the petition.

RSA 1980 cE-2 s190

Rules of Court apply

194 The petition and all proceedings under it is deemed to be a cause in the Court and all the provisions of the *Alberta Rules of Court* insofar as they are applicable and not inconsistent with the provisions of this Part, including the tariff of costs for clerks, sheriffs, civil enforcement agencies, civil enforcement bailiffs, solicitors and counsel and interpreters, apply to the petition and proceedings.

RSA 1980 cE-2 s191;1994 cC-10.5 s124

Report to Chief Electoral Officer

195(1) The judge who tries the petition shall forthwith on the expiration of 14 days after the filing of the judge's directions for judgment, unless

- (a) a notice of appeal, and
- (b) an order of a judge staying the proceedings

has before the expiration of 14 days been filed in the clerk's office, make and forward to the Chief Electoral Officer and the Election Commissioner a report of the judge's judgment including the judge's reasons.

(2) If the judgment contains findings that the respondent was unduly returned or elected,

- (a) the election in which the respondent was a candidate is void on the receipt of the judge's report by the Chief Electoral Officer, and
- (b) the Chief Electoral Officer shall inform the Lieutenant Governor in Council of the report.

RSA 2000 cE-1 s195;2017 c29 s106

Withdrawal from proceedings

196(1) The petitioner may at any time withdraw the petitioner's petition by

- (a) filing with the clerk a statement in writing that the petitioner withdraws it, and
- (b) serving the respondent with a notice of withdrawal,

and in that case the Court shall on application order the petitioner to pay the respondent's costs of and incidental to the petition and the proceedings under it.

(2) The respondent may at any time withdraw any statement of objections by

- (a) filing with the clerk a written statement that the respondent withdraws it, and
- (b) serving the petitioner with a notice of withdrawal,

and in that case the Court shall on application order the respondent to pay the petitioner's costs of and incidental to that statement.

RSA 1980 cE-2 s193

Admission of undue election

197(1) The respondent may at any time admit that the respondent was unduly returned or elected by filing with the clerk a statement in writing admitting that fact and consenting to the entry of a judgment declaratory of that fact and by serving the petitioner with a notice that the statement has been filed.

(2) If a statement is filed under subsection (1), the petitioner may enter a formal judgment declaring the election void, and if the petitioner so desires directing the respondent to pay the petitioner's costs of and incidental to the petition, and on the judgment being entered, the Court shall send a report of the facts to the Chief Electoral Officer and the Election Commissioner, and on the receipt of it by the Chief Electoral Officer, the election is void and a writ of election shall issue to fill the vacancy so created.

RSA 2000 cE-1 s197;2017 c29 s107

Costs

198(1) Except when otherwise provided by this Part, the costs of the petition and all matters incidental to it and arising out of it are to be dealt with in the same manner as in any ordinary civil matter before the Court.

(2) If the judge at any time orders costs to be paid by the petitioner, the judge may, when the petition and all matters arising out of it have been finally determined and disposed of, order the

costs to be paid out of the money deposited by the petitioner on filing the petition, but nothing in this subsection is to be construed as preventing the respondent from proceeding at any time to recover any costs that may have been awarded to the respondent according to the ordinary practice of the Court.

RSA 1980 cE-2 s195

Appeals

199(1) An appeal lies to the Court of Appeal from any order, direction or determination of the judge and from any judgment entered in pursuance of it, and the appeal and all proceedings relating to it shall be had and taken, and the Court of Appeal shall, subject to this Part, deal with the appeal in the same manner as appeals in civil matters from the Court of King's Bench.

(2) If the appeal is from an order or determination of a judge, other than the judgment entered on the trial of petition, the notice of appeal shall be filed and served within 10 days from the entry of the judgment or order and it does not operate as a stay of proceedings unless so ordered by the judge.

(3) If a judge orders a stay of proceedings under subsection (2), the judge may do so on any terms the judge thinks just, and the judge may in making the order, or afterwards by separate order, fix the time for doing any act required or authorized by this Part to be done, the time for doing which has been fixed without reference to an appeal, and the judge or any other judge may for reasonable cause at any time set aside or modify any stay of proceedings that has been ordered under this section.

(4) If the appeal is from any finding, determination or judgment under section 195 or 197, the appellant shall file and serve the appellant's notice of appeal within 14 days after the filing of the directions for judgment and shall, before the expiration of that period, apply ex parte to the judge for a stay of proceedings, and the judge on being satisfied that the notice of appeal has been duly given shall make an order staying proceedings.

(5) After a stay of proceedings has been made, the appeal shall proceed and be dealt with in the same manner and is subject to the same rules as an ordinary appeal in a civil action.

(6) The costs of the appeal shall be dealt with in the same manner as in any ordinary civil appeal before the Court of Appeal.

RSA 2000 cE-1 s199;AR 217/2022

Report of judgment on appeal

200 On judgment being given by the Court of Appeal, the presiding judge shall forthwith send to the Chief Electoral Officer and the Election Commissioner

- (a) a report of the judgment and with it a copy of all reasons for judgment given by any member of the Court of Appeal, and
- (b) a copy of the reasons of the trial judge for the judgment appealed from

and on the receipt by the Chief Electoral Officer of the report, the same consequences follow and the same acts shall be done as on the receipt of a report of a judge under section 195.

RSA 2000 cE-1 s200;2017 c29 s108

No count of ballots by judge

201 Nothing in this Part shall be construed to authorize a judge to count or recount the ballots cast at any election, and the count of ballots or the recount, if any, under Part 4 is conclusive.

RSA 1980 cE-2 s198

Part 8 General

Certain irregularities excused

202 No election is void by reason of an irregularity, failure, non-compliance or mistake, including

- (a) an irregularity on the part of an election officer or in any of the proceedings preliminary to the vote,
- (b) a failure to hold a vote at any place appointed for holding a vote,
- (c) a non-compliance with the provisions of this Act relating to the taking of the vote or the counting of the votes or with regard to limitations of time, or
- (d) any mistake in the use of the prescribed forms,

if it is shown to the satisfaction of the Court that the irregularity, failure, non-compliance or mistake did not materially affect the result of the election.

RSA 2000 cE-1 s202;2021 c24 s4(132)

General evidence

203 In any proceeding under this Act it is not necessary at any hearing to produce the writ or the election return or to establish the authority of the returning officer founded on the writ, but general evidence is sufficient.

RSA 1980 cE-2 s200

Confidentiality of vote

204 In any inquiry or legal proceeding relating to an election or return, a voter is not required to reveal for whom the voter voted.

RSA 1980 cE-2 s201

Returning officer's certificate

205 The certificate of the returning officer to the effect that the election was held and that any person stated in the certificate to have been a candidate was in fact a candidate constitutes proof, in the absence of evidence to the contrary, of the contents of the certificate without proof of the signature or official character of the person appearing to have signed the certificate.

RSA 1980 cE-2 s202

Delay in court proceedings

206 In the event of suspension or delay at any stage of the proceedings, the Court before which the matter is pending may permit one or more persons to intervene and carry out the proceedings to a final determination.

RSA 1980 cE-2 s203

Disclosure

206.1(1) Except as provided in subsections (2) and (3), the Chief Electoral Officer, the Election Commissioner, any former Chief Electoral Officer, any former Election Commissioner, every person who is or was employed or engaged by the Office of the Chief Electoral Officer to carry out the duties of the Chief Electoral Officer and every person who was employed or engaged by the Office of the Election Commissioner to carry out the duties of the Election Commissioner shall maintain the confidentiality of all information, complaints and allegations that come to their knowledge.

(2) Information, complaints and allegations to which subsection (1) applies may be

- (a) disclosed by the Chief Electoral Officer to the Election Commissioner for the purpose of carrying out the Election Commissioner's powers, duties and functions under this Act,
- (b) disclosed by the Election Commissioner to the Chief Electoral Officer for the purposes of carrying out the Chief Electoral Officer's powers, duties and functions under this Act,
- (c) disclosed to the person or organization whose conduct is the subject of proceedings under this Act,
- (d) disclosed to a registered political party if a constituency association, a registered candidate, a nomination

contestant or a leadership contestant of that registered political party is the subject of an investigation under this Act,

- (e) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person,
- (f) disclosed in the course of an appeal to the Court under section 153.3,
- (g) adduced in evidence at an inquiry, or
- (h) disclosed where the Election Commissioner believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice or a law enforcement agency of an alleged offence under this Act or any other enactment of Alberta or an Act or regulation of Canada.

(3) Findings and decisions, and any additional information that the Election Commissioner considers to be appropriate, shall be published on the Chief Electoral Officer's website in the following circumstances:

- (a) if an administrative penalty is imposed or a letter of reprimand is issued under section 153.1;
- (b) if the Election Commissioner has provided notice under section 153.091(4) and receives a written request for disclosure from a person or organization who received the notice;
- (c) if the Election Commissioner consents to a prosecution under this Act.

(4) Nothing in this section requires the Chief Electoral Officer or the Election Commissioner to disclose any information that would reveal the name of a complainant or witness except with the consent of that person or if so directed by a court.

2017 c29 s109;2019 c15 s13;2021 c24 s4(133);
2022 c21 s20

Duty to provide document or information

206.2(1) On the request of the Election Commissioner, the Chief Electoral Officer shall disclose to the Election Commissioner any document or information that the Chief Electoral Officer obtained under this Act that the Election Commissioner considers necessary for the purposes of carrying out his or her powers, duties and functions under this Act.

(2) On the request of the Chief Electoral Officer, the Election Commissioner shall disclose to the Chief Electoral Officer any document or information that the Election Commissioner obtained under this Act that the Chief Electoral Officer considers necessary for the purposes of carrying out his or her powers, duties and functions under this Act.

2017 c29 s109

**Duty to refer complaints and allegations
and to report acts or omissions**

206.3 The Chief Electoral Officer shall within a reasonable time

- (a) refer any complaint or allegation received by the Chief Electoral Officer under this Act to the Election Commissioner, and
- (b) report any act or omission that in the Chief Electoral Officer's opinion likely constitutes an offence under this Act to the Election Commissioner.

2017 c29 s109

Judicial review

206.4 An application for judicial review of a decision or order of the Chief Electoral Officer or the Election Commissioner under this Act must be filed with the Court and served on the Chief Electoral Officer or the Election Commissioner, as the case may be, no later than 30 days from the date of the decision or order.

2017 c29 s109

Regulations

207(1) The Lieutenant Governor in Council may make regulations

- (a), (b) repealed 2017 c29 s110;
- (c) respecting forms for the purposes of this Act;
- (d) prescribing oaths to be used;
- (d.1) respecting the transition of any of the powers, duties and functions of the Office of the Election Commissioner on its dissolution;
- (d.2) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the dissolution of the Office of the Election Commissioner;
- (e) governing any necessary matter for which no provision is made in this Act.

(2) A regulation made under subsection (1)(d.1) or (d.2) may be made retroactive to the extent set out in the regulation.

RSA 2000 cE-1 s207;2010 c8 s53;2017 c29 s110;
2019 c15 s13

Part 9 Fees and Expenses

Fees and expenses

208 The Chief Electoral Officer shall establish, in respect of services and expenses under this Act,

- (a) the amounts of remuneration and fees,
- (b) the rates of payment for expenses, and
- (c) the method and procedure of applying for payment.

RSA 2000 cE-1 s208;2017 c29 s111

209 to 211 Repealed 2010 c8 s54.



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